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DIGEST

OF THE

ACTS AND DELIVERANCES OF THE GENERAL ASSEMBLY

OF THE

PRESBYTERIAN CHURCH
In the United States of America

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VOLUME I

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INTRODUCTION

The General Assembly of 1930 received from the Stated Clerk in his capacity as Editor of the Digest and unanimously adopted the following recommendations:

"That as Editor of the Digest he be authorized to prepare and issue immediately, with the able assistance of the Rev. William P. Finney, D.D., a new edition of the same, and, as far as may be necessary at the expense of the General Assembly; and that the Board of Christian Education through its Publication Department be directed to assume, under the direction of the Stated Clerk, the distribution of the new edition without expense to the General Assembly. The last edition of the Digest appeared in 1922–23. Since then there have been important changes in our fundamental law and significant legislation has been enacted, and important litigation has occurred. Three supplements have been issued in the intervening years in an endeavor to make the Digest complete to date. This method of keeping pace with the progress of ecclesiastical action has now reached the limit of usefulness and either the Church must be without a Digest which is up to date or a new edition must be edited and published."

This Digest of 1930 in two volumes, embodying the Acts and Deliverances of the General Assembly of the Presbyterian Church in the United States of America, including those of the General Assembly of 1930, is offered to the Church with the same hope with which its immediate predecessor, that of 1922, was offered, namely, that it may be found worthy of a place in the honorable succession of those which have preceded it.

Lewis Seymour Mudge, Editor.
William P. Finney, Associate Editor.

EDITORIAL NOTE

The Editor of the 1930 edition of the Presbyterian Digest would express his indebtedness to the Publication Department of the Board of Christian Education and in particular to its General Director Mr. Oscar M. Miller.

As this edition of the Digest is published it is, however, the great indebtedness of the Church to the Associate Editor, the Rev. William P. Finney, D.D., for his work in its preparation that should be given special emphasis. Whatever part others may have had in selecting, arranging, and printing the material contained in these two volumes, that part is insignificant when compared with the contribution of time, of strength, of patience, and of wisdom which Dr. Finney has made in bringing this truly great work to completion.

Lewis Seymour Mudge, Editor.

HISTORICAL NOTES

The first step towards a Digest of the Acts and Deliverances of the General Assembly was taken by the Assembly of 1809, in its order [*Minutes*, p. 424], charging the Stated Clerk "with the business of preparing a book, and having entered therein such decisions of the Assembly as relate to the general government and discipline of the Church, and the duties of judicatures, that such decisions may hereafter be selected and printed for the general use of the churches, if a future Assembly shall so order."

The Digest of 1820.

In 1818 the General Assembly appointed Drs. Janeway, Neill (Stated Clerk) and Ely, "a Committee to extract from the Records of the General Assembly, and of the late Synods of New York and Philadelphia, all such matters as may appear to be of permanent authority and interest (including a short account of the manner in which missions have been conducted, and their success), that the same may be published for the information of ministers and their people in our churches." This Committee reported to the next Assembly (1819), were empowered to complete the work on the plan reported, and to publish it at the expense of the Trustees of the General Assembly. The Digest thus authorized was published in 1820.

The Digests of 1856 and 1859.

In 1836, the Assembly appointed Dr. John McDowell, Mr. Winchester and Mr. Duffield to prepare a new Digest. Nothing, however, was done, the division of the Church being near at hand. Further action looking to the preparation of a Digest was taken by the respective Assemblies: N. S., 1838 and 1849; O. S., 1841 and 1848. In 1850 the Presbyterian Board of Publication, O. S., issued a Digest prepared by the Rev. Richard Webster, D.D. In 1856 the Board issued a Digest prepared by the Rev. Samuel J. Baird, D.D. The Assembly voted thanks to Mr. Baird for his labors, and earnestly commended the work "to the attention and patronage of all in our connection." A new and revised edition was issued by the Board of Publication in 1859. It is still published by it, and is of great value from a historical point of view.

The Digest of 1861.

In 1854, the Assembly, N. S., appointed a Committee consisting of Drs. George Duffield, Jr., Henry Darling, and W. E. Moore, with the Stated Clerk, Edwin F. Hatfield, D.D., to prepare and publish a new Digest. This Digest was prepared by the Rev. W. E. Moore, and published by the Presbyterian Publication Committee, N. S., in 1861. It was accepted with commendation by the General Assembly.—*Minutes*, 1861, p. 463, N. S.

The Digest of 1873.

On the Reunion of 1870, the Board of Publication took action for the preparation of a more complete work, which should combine the precedents of the Church in all its branches, and bring them down to the latest date.

The plan suggested was approved by the Assembly of 1871 (*Minutes*, p. 529), as follows:

"That this Digest contain under each chapter and section of the Form of Government, Book of Discipline and Directory, every decision which defines or explains it.

"Also, a complete Digest of all the rules of the several Boards of the Church as at present existing.

"That it omit whatever has become obsolete in the usage of the Church —e. g., in its benevolent operations—and all that pertains simply to matters of history.

"That it be requested that a Special Committee be appointed by the General Assembly to examine and approve the book before it be issued, and it was recommended that the Rev. William E. Moore be requested to undertake the preparation of such a Digest."

The Committee to examine and approve the book—Edwin F. Hatfield, D.D., Alexander T. McGill, D.D., LL.D., Robert M. Patterson, D.D., Ruling Elders Hon. George Sharswood, LL.D., and Hon. William Strong, LL.D.—reported the completion of the work with its approval in 1873, and it was issued in the same year.

The Digest of 1886.

Within about ten years after the issue of the Digest of 1873, the need for a new edition was widely felt, and at last took shape in 1885. The Assembly of that year took action as follows:

"*Resolved*, That this General Assembly, having heard of the intention of the Board of Publication to publish a new edition of Moore's Digest of the acts and deliverances of the General Assembly, do approve of such publication and hereby recommend the same to the Church.

"*Resolved*, That this General Assembly hereby records its sense of obligation to the Rev. William E. Moore, D.D., for his faithful, diligent and skillful services in the preparation of the present Digest."

In connection with the new edition the following Report was made to the Board of Publication by the Committee requested to examine the manuscript:

Philadelphia, Pa., Jan. 14, 1886.

To the Presbyterian Board of Publiction:

The undersigned, appointed by the Board of Publication as a Committee to Revise the Manuscript of the Presbyterian Digest of 1886, after a minute and careful examination, do hereby signify our approval of the same.

Respectfully,
E. R. Craven,
Wm. H. Roberts.

In the Introduction to the Digest of 1886 the editor said that "the adoption of the Revised Book of Discipline in 1884, with its amendments in 1885, and the lapse of twelve years since the publication of the Digest," had made necessary a new edition. He also made the following statement:

"The Book of Discipline has been wholly recast under the sections of the Revised Book. The compiler has been obliged to use his own judgment, not only as to the location of the acts and deliverances of the Assembly under the several sections, but also as to the retaining or rejecting of matter found in former Digests and in the annual *Minutes* of the Assembly. He gratefully acknowledges his obligations in both respects to Rev. E. R. Craven, D.D., and Rev. William H. Roberts, D.D., the Committee appointed by the Board of Publication to revise his work. The criticism will doubtless be made that many cases quoted are not in accordance with the Revised Book. This is acknowledged in the Digest itself; but good reasons seem to be found for inserting them unless they contradict the Revised Book."

The Digests of 1898 and 1907.

At its sessions in 1894 the General Assembly ordered a new edition of the Digest to be prepared by the Board of Publication and Sabbath School Work, under the supervision of the Stated Clerk and the Secretary of the Board of Publication, with the Rev. Dr. William E. Moore as editor—1894, p. 89.

The Committee on the New Digest reported its proposed plan for the work to the Assembly of 1895 (*Minutes*, p. 129), and the Report was approved, as follows:

"The Committee on the New Edition of the Digest (*Minutes*, 1894, p. 89), to be prepared by the Board of Publication, under the supervision of the Stated Clerk and the Secretary of the Board of Publication, with Rev. William E. Moore as editor, propose the following plan of the Digest and ask the approval of the Assembly, viz.:

"1. To print as the first part of the book the Confession of Faith, giving under the appropriate chapters and sections the doctrinal deliverances and decisions of the Assembly.

"2. To print the Form of Government, Book of Discipline and Directory for Worship in the same form as in the present Digest, marking the acts and deliverances of the two Assemblies during the period of the separation, which do not come under the terms of the concurrent *Resolution No. 4,* Digest ('86), p. 92, as reëstablished in the united body, with the letters O. S. and N. S.

"3. That the Assembly grant to your Committee full discretion to omit such acts and deliverances as in their judgment are trivial, purely personal, obsolete or contradictory, or that have been superseded by amendments of the Form of Government, Book of Discipline and Directory for Worship.

Respectfully submitted,

WM. HENRY ROBERTS,
E. R. CRAVEN,
WILLIAM E. MOORE."

In addition to the plan of this Digest as set forth above, it is to be noted that for convenience of reference it has seemed best to put the Historical Documents by themselves at the beginning of the book, and Charters, Plans, etc., of the several Boards, Permanent Committees, and Theological Seminaries. The several Digests referred to in the work are: (1), "The Assembly Digest," 1820; (2), "Assembly's Digest, Baird's Collection," Ed. 1858; (3), "The New Digest," Moore, 1861, N. S.; (4), "The Presbyterian Digest," Moore, 1873, and (5), "The Presbyterian Digest," Revised Edition, 1886.

The references of the dates of the Acts, etc., are: From 1706 to 1788, inclusive, to the volume of Records of the Presbyterian Church; from 1789–1837, inclusive, to the Reprints of the "*Minutes* of the General Assembly of the Presbyterian Church, U. S. A.;" from 1838–1869 inclusive, to the annual *Minutes* of the Assemblies of the two branches of the Church, designated respectively as "Old School" and "New School," and since 1870 to the annual *Minutes* of the reunited General Assembly.

The annual *Minutes* from 1836–1869, inclusive, have been reprinted. The *Minutes* for 1836 and 1837 are bound with the volume covering 1821–1835. The *Minutes*, 1838–1869, O. S., are bound in four volumes, and 1838–1869, N. S., in two volumes. All of these reprints are issued by the Board of Publication and Sabbath School Work.

In closing his work, the editor wishes to record his grateful thanks to the Committee of Supervision for their valuable counsel and cordial coöperation, always cheerfully given. Especially would he acknowledge the important aid rendered by the chairman of the Committee, the Rev. William Henry Roberts, D.D., LL.D., whose familiar and thorough knowledge of the acts and deliverances of the Assembly in all its history, made his suggestions and his personal aid so freely extended, invaluable to me, and peculiarly grateful from the spirit in which they were given.

William E. Moore.

Columbus, O., January 31, 1898.

Approval of the Assembly's Committee

The General Assembly of 1894, passed the following resolution:

"*Resolved*, That the Assembly order a new edition of the Digest, to be prepared by the Board of Publication, under the supervision of the Stated Clerk and the Secretary of the Board of Publication, with Dr. William E. Moore, as editor."

The undersigned, being the Committee above named, after a minute and careful examination of the Digest, frequent consultations with the editor, and close attention to the proofs, do hereby unite with Dr. Moore in approval of the work.

Wm. Henry Roberts.
E. R. Craven.

The Digest of 1907 consisted of the Digest of 1898 with the addition of a supplement of 217 pages covering the years 1898–1906, edited by the Rev. William H. Roberts, D.D., LL.D., Stated Clerk of the General Assembly.

The Digest of 1922.

Looking forward to a new edition of the Digest, the General Assembly, as early as 1899 and again in 1908, "approved the plan of placing in a separate volume all permanent documents of the Church and its Agencies, and including in the Digest only matters which have direct relation to the interpretation of the Constitution of the Church, and the current work of its Agencies."

The Special Committee of the General Assembly on the Digest, as reconstituted in 1908, consisted of the Stated Clerk and the Permanent Clerk of the General Assembly, the incumbents of those offices at that time being the Rev. William Henry Roberts, D.D., and the Rev. William B. Noble, D.D. In 1915, the General Assembly added to this Committee the Rev. John V. Stephens, D.D., "to act in relation to matters connected with the Records of the Cumberland Presbyterian Church." The Committee named the Rev. William H. Roberts, D.D., as editor of the Digest, and from time to time reported progress in its compilation. But the multiplied activities of Dr. Roberts in the service of the Church, his failing

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PART I

Historical Documents

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EXPLANATORY NOTE

In the year 1908, the General Assembly, looking forward to the issuing of a New Digest, approved the "plan of placing in a separate volume all Permanent Documents of the Church and its Agencies, and including in the Digest only matters which have direct relation to the interpretation of the Constitution of the Church and the current work of its Agencies."

In endeavoring to carry out this plan, the editors of this Digest have sought to preserve the fivefold treatment of the material as a whole, which has been followed in the past, thus disturbing as little as possible the familiar form of the Digest, namely, Part I containing the Historical Documents; Part II the Confession of Faith; Part III the Form of Government; Part IV the Book of Discipline; Part V the Directory for Worship.

Part I, consisting exclusively of Historical Documents, has been placed in a separate volume, Volume II, together with such portions of the other several Parts as do not have direct relation to the interpretation of the Constitution, or to the work of the Agencies. Therefore Volume I opens with Part II, containing the text of the Confession of Faith, together with accompanying acts and deliverances consonant with the Assembly's direction; and so on through the succeeding Parts, III, IV, V.

PART II

The Confession of Faith

Adopted, 1729; Amended, 1788–1903.

CONFESSION OF FAITH

CHAPTER I.

OF THE HOLY SCRIPTURE.

I. Although the light of nature, and the works of creation and providence, do so far manifest the goodness, wisdom, and power of God, as to leave men inexcusable; yet they are not sufficient to give that knowledge of God and of his will, which is necessary unto salvation; therefore it pleased the Lord, at sundry times, and in divers manners, to reveal himself, and to declare that his will unto his Church; and afterwards, for the better preserving and propagating of the truth, and for the more sure establishment and comfort of the Church against the corruption of the flesh, and the malice of Satan and of the world, to commit the same wholly unto writing: which maketh the Holy Scripture to be most necessary; those former ways of God's revealing his will unto his people being now ceased.

II. Under the name of Holy Scripture, or the Word of God written, are now contained all of the books of the Old and New Testaments, which are these:

OF THE OLD TESTAMENT.

Genesis.
Exodus.
Leviticus.
Numbers.
Deuteronomy.
Joshua.
Judges.
Ruth.
I. Samuel.
II. Samuel.
I. Kings.
II. Kings.
I. Chronicles.
II. Chronicles.
Ezra.
Nehemiah.
Esther.
Job.
Psalms.
Proverbs.
Ecclesiastes.
The Song of Songs.
Isaiah.
Jeremiah.
Lamentations.
Ezekiel.
Daniel.
Hosea.
Joel.
Amos.
Obadiah.
Jonah.
Micah.
Nahum.
Habakkuk.
Zephaniah.
Haggai.
Zechariah.
Malachi.

OF THE NEW TESTAMENT.

The Gospels according to
Matthew.
Mark.
Luke.
John.
The Acts of the Apostles.
Paul's Epistles to the Romans.
Corinthians, I.
Corinthians, II.
Galatians.
Ephesians.
Philippians.
Colossians.
Thessalonians, I.
Thessalonians, II.
To Timothy, I.
To Timothy, II.
To Titus.
To Philemon.
The Epistle to the Hebrews.
The Epistle of James.
The first and second Epistles of Peter.
The first, second and third Epistles of John.
The Epistle of Jude.
The Revelation.

All which are given by inspiration of God, to be the rule of faith and life.

1. Deliverance on the so-called Higher Criticism.

The Special Committee to whom certain Overtures were referred on the so-called "Higher Criticism" presented their Report, which was adopted, and is as follows:

Overtures from the Presbyteries of Ebenezer, Jersey City, Louisville, Morris and Orange, and St. Louis, requesting the Assembly to make a deliverance by which pastors and teachers should be cautioned against the false teaching which is commonly known by the name of the "Higher Criticism," having been referred to this Committee, we hereby respectfully report the following deliverance:

The General Assembly feels constrained to express itself clearly and decidedly on the rationalistic treatment of the Holy Scriptures by Protestant teachers in Europe whose works are introduced into our country, and whose evil influence is felt in our Church. Our Confession of Faith (Chap. i, Sec. ii), after giving the names of the books of the Old and New Testaments, adds, "all which are given by inspiration of God to be the rule of faith and life." The denial of the authenticity or truthfulness of the Holy Scriptures is a denial of their inspiration; and any teaching that suggests such denial should be not only carefully avoided, but studiously repelled. The Assembly would not discourage the full use of all light in critical study; nor does it assume that any erroneous teaching is welcomed or offered within the bounds of the Church; but it would warn all pastors and teachers of the danger to young and inexperienced minds in the free use of crude theories and unproved speculations on the part of religious instructors, and would remind them of the paramount importance of sustaining in positive doctrine the authenticity, integrity, truthfulness and inspiration of the Holy Scriptures, against the unsanctified learning by which an unbelieving world, through nominally Christian channels, assaults the Church of God.

The Assembly would also remind the Presbyteries of their special responsibility as guardians of the faith, and that, in view of the apprehensions excited throughout the Church by the rationalistic handling of the Word of God, it is incumbent upon them to see to it that the appropriate Constitutional action be taken if at any time it should become manifest that any minister of our Church was promulgating theories of dangerous tendency or contra-confessional doctrine concerning the Holy Scriptures.—1883, pp. 631, 632.

2. The inspired Word, as it came from God, is without error.

Overture from the Presbytery of Chester, and Overture from the Presbytery of Genesee, asking the General Assembly, in view of certain publications during the past year, to make a deliverance concerning subscription to the Standards of the Church which our ministers and elders make at their ordination.

The Committee recommend the following:

The General Assembly would remind all under its care that it is a fundamental doctrine that the Old and New Testaments are the inspired and infallible Word of God. Our Church holds that the inspired Word, as it came from God, is without error. The assertion of the contrary cannot but shake the confidence of the people in the sacred books. All who enter office in our Church solemnly profess to receive them as the only infallible rule of faith and practice. If they change their belief on this point, Christian honor demands that they should withdraw from our ministry. They have no right to use the pulpit or the chair of the professor for the dissemination of their errors until they are dealt with by the slow process of discipline. But if any do so act, their Presbytery should speedily interpose, and deal with them for violation of ordination vows. The vow taken at the beginning is obligatory until the party taking it is honorably and properly released. The General Assembly enjoins upon all ministers, elders and Presbyteries, to be faithful to the duty here imposed. —1892, pp. 179, 180.

3. Cases of the Rev. Drs. Briggs, Smith, and McGiffert.

[NOTE.—For cases of Rev. Charles A. Briggs, D.D., Rev. Henry P. Smith, D.D., and Rev. A. C. McGiffert, D.D., see Digest, 1930, Vol. II, pp. 305–323.]

4. The General Assembly makes no new definitions of dogma.

Overture from the Presbytery of Rochester, declaring that said "Presbytery viewed with apprehension the attempt of the General Assembly to make new definitions of dogma, by deliverance and by judicial decision, and expresses its conviction that no doctrinal statement, which is not explicitly contained in the Confession of Faith and Catechisms of the Church, is binding on the office bearers." We recommend the following action: The General Assembly has never undertaken to make new definitions of dogma, either by deliverance or judicial decision, and we hope that this declaration of former Assemblies repeated by this General Assembly will allay the apprehensions of our worthy brethren of this Presbytery.—1894, p. 45.

5. The Report of the Committee on Bills and Overtures, 1900, with regard to proposed revision of the Confession of Faith.

Your Committee deem these Overtures of such nature and number as to justify some action on the part of the Assembly.

But the Overtures are of such variety and suggest so many paths of process, that they hardly furnish sufficient data to justify a distinct trial of any one of the plans proposed.

To enter at once either upon the revision of our present Creed, or upon the construction of a new Creed, or upon the preparation of a supplemental Creed, or of an explanatory statement, would be to commit ourselves to undertaking some one of the proposed methods of credal change, without sufficient knowledge of the mind of the Church to warrant reasonable expectation of approval.

On the other hand, to decline all action would be to ignore a condition that seems to demand attention, and which involves a wide misrepresentation, and, therefore, misapprehension of our doctrinal position.

We therefore recommend:

1. That a Committee of fifteen, eight ministers and seven elders, be now appointed by the Moderator to consider the whole matter of a restatement of the doctrines most surely believed among us, and which are substantially embodied in our Confession of Faith.

2. That this Committee be enjoined diligently to pursue their inquiries, seeking light and knowledge from every available source, and to report to

the next Assembly what specific action, if any, should be taken by the Church.

3. That to further the work of the Committee the Presbyteries be and are hereby invited by the Assembly to take action on this subject at their approaching fall meetings, and through the Assembly's Stated Clerk to report said action to the Committee, whether suggesting revisional, supplemental, or substitutional changes, or no change at all.

On motion duly made and carried the Moderator was added to the Committee on Revision, and appointed its chairman.—1900, p. 99.

6. The Committee on Revision, 1900.

The Moderator announced the Committee on the Revision of the Confession of Faith, as follows: *Ministers*—Chas. A. Dickey, D.D., Herrick Johnson, D.D., Samuel J. Niccolls, D.D., Daniel W. Fisher, D.D., William McKibbin, D.D., George B. Stewart, D.D., Stephen W. Dana, D.D., Samuel P. Sprecher, D.D., Benjamin B. Warfield, D.D.* *Elders*—Gen. Benjamin Harrison, Justice John M. Harlan, Daniel R. Noyes, E. W. C. Humphrey, William R. Crabbe, John E. Parsons, and Elisha A. Fraser.—1900, p. 147.

* Dr. Warfield declined to serve and Dr. Henry van Dyke was appointed in his place.

7. Report of the Committee on Revision, 1901.

After the patient consideration given to this important subject, thus recorded, and after a protracted, but harmonious, discussion of the subject in all its bearings, and in its possible issues, it was determined to submit to the General Assembly to convene in Philadelphia, May 16, 1901, the following findings and recommendations, viz.:

I. That the returns indicate that the Church desires some change in its credal statement.

II. That the returns indicate that no change is desired which would in any way impair the integrity of the system of doctrine contained in the Confession of Faith.

III. These returns indicate that it is the mind of the Church that the Confession shall be interpreted throughout in harmony with the teaching of Scripture that God is not willing that anyone should perish nor is it the decree of God, but the wickedness of their own hearts, which shuts some men out from salvation freely and lovingly offered in Christ Jesus to all sinners.

IV. These returns indicate that a plurality of the Presbyteries desire that changes should be made by some new statement of present doctrine.

V. The returns also indicate a desire on the part of many Presbyteries for some revision of the present Confession, especially in Chap. iii; Chap. x, Sec. iii; Chap. xvi, Sec. vii; Chap. xxii, Sec. iii; Chap. xxv, Sec. vi; with additional statements concerning the love of God for all men, Missions, and the Holy Spirit.

a. In view of these facts we recommend that a Committee as provided for by the Form of Government, Chap. xxiii, Sec. iii, be appointed by this Assembly.

b. We recommend that this Committee be instructed to prepare and to submit to the next General Assembly, for such disposition as may be judged to be wise, a brief statement of the Reformed Faith, expressed as far as possible in untechnical terms. The said statement is to be prepared with a view to its being employed to give information and a better understanding of our doctrinal beliefs, and not with a view to its becoming a substitute for, or an alternative of, our Confession of Faith.

c. We further recommend that this Committee be instructed to prepare amendments of Chap. iii; Chap. x, Sec. iii; Chap. xvi, Sec. vii; Chap. xxii, Sec. iii; and Chap. xxv, Sec. vi, of our Confession of Faith, either by modification of the text or by Declaratory Statement, but so far as possible by Declaratory Statement, so as more clearly to express the mind of the Church, with additional statements concerning the love of God for all men, Missions, and the Holy Spirit. It being understood that the revision shall in no way impair the integrity of the system of doctrine set forth in our Confession and taught in the Holy Scripture.—1901, pp. 105, 106.

8. The Committee on Revision, 1901.

The following resolution was adopted:

Resolved, That the Committee on Revision be composed of twenty-one members, that the Moderator be a member and Chairman of the Committee. The members are as follows: *Ministers*—Henry Collin Minton, D.D., Charles A. Dickey, D.D., Herrick Johnson, D.D., Samuel J. Niccolls, D.D., Daniel W. Fisher, D.D., William McKibbin, D.D., George B. Stewart, D.D., Samuel P. Sprecher, D.D., Henry van Dyke, D.D., John DeWitt, D.D., LL.D., J. Ross Stevenson, D.D., D. W. Moffatt, D.D., S. B. McCormick, D.D. *Elders*—Justice John M. Harlan, Daniel R. Noyes, E. W. C. Humphrey, William R. Crabbe, John E. Parsons, Elisha A. Fraser, Hon. John W. Foster, Charles T. Thompson.—1901, pp. 106, 182.

9. The Secretary of the Committee.

On motion duly adopted the Rev. William H. Roberts, D.D., Stated Clerk of the General Assembly, was appointed Secretary of the Revision Committee.—1900, p. 153; 1901, p. 106.

10. Report of the Committee on Revision, 1902.

The Order of the Day, the Report of the Special Committee on the Revision of the Confession of Faith was taken up. The following resolutions were adopted, with two dissenting votes:

Resolved, 1. That so much of the Report as relates to the eleven Overtures be adopted, with a view to the sending of the Overtures to the Presbyteries in due form.

Resolved, 2. That the Brief Statement be adopted and printed with the approval of the Assembly, for use in the Church, to instruct the people and to give a better understanding of our doctrinal beliefs.

The Report was then adopted as a whole, and is (in part) as follows:

The Committee has taken the utmost care that all its work, in substance and in form, should be within the scope of the instructions of the Assembly appointing it. In analyzing these instructions it at once found that the work assigned it was twofold; in the first place, it was to prepare "a brief statement of the Reformed Faith," to be submitted to this Assembly, "for such disposition as may be judged to be wise." The other part of its work was the preparation and submission to this Assembly of certain revisions of the Confession of Faith, in certain specified parts of it, and concerning certain specified subjects, by the method of textual modification or of Declaratory Statement, or of additional statements, undoubtedly with a view to their subsequent adoption or rejection by the Presbyteries and by the General Assembly, by Constitutional process and in due form, as provided for in the Form of Government, Chap. xxiii, Sec. iv.

In addressing itself to this second part of its work, the Committee has not been unmindful that its instructions gave distinct preference to the method of declaratory statement; however, the Committee was constrained to believe that it had some discretion in this matter, first, because the very language of its instructions left the question an open one for the Committee; and secondly, because of the qualifying clause "so as more clearly to express the mind of the Church." Accordingly it will be seen that this part of our Report includes all the methods named. We recommend "Additional statements concerning the love of God for all men, Missions, and the Holy Spirit," in the form of new chapters to be added to the Confession; we recommend a Declaratory Statement in reference to Chap. iii and Chap. x, Sec. iii; and we recommend textual modifications in Chap. xvi, Sec. vii; Chap. xxii, Sec. iii, and Chap. xxv, Sec. vi.

It is improper to argue now in support of the decision at which the Committee arrived in this particular matter. It is enough to say that after prolonged and serious consideration, in comparison of the different methods proposed, the Committee was persuaded that the method agreed upon would most satisfactorily accomplish the end designed, and at the same time would most nearly meet the mind of the whole Church.

The Committee, therefore, recommends that the General Assembly transmit to the Presbyteries for their action, under the Form of Government, present Chap. xxiii, Sec. iv, the following Overtures.

[NOTE.—For adopted text of the Overtures above referred to, embracing revisions and additions to the Confession of Faith, see under respective chapters in Vol. I, this *Digest*: Chaps. iii, x, xvi, xxii, xxv, xxxiv, xxxv, and Declaratory Statement at the end of the Confession of Faith, p. 68. For summary of the vote by which these several chapters were revised or supplemented, see *Minutes*, 1903, p. 123.]

11. Footnotes adopted.

a. The General Assembly of 1902 sent down to the Presbyteries the following Overture:

Overture No. 4.—Shall footnotes be appended to Chap. iii and Chap. x, Sec. iii, of the Confession of Faith, reading "See Declaratory Statement"?—1902, p. 89.

b. *Resolved,* That *Overture No. 4,* having received the affirmative vote of 221 Presbyteries, submitted in writing, the Standing Committee on Editions of the Confession be directed to append footnotes to Chap. iii and to Chap. x, Sec. iii, of the Confession, reading, "See Declaratory Statement," [this *Digest,* Vol. I, p. 68.]—1903, p. 125.

12. The Bible as we now have it is the very Word of God.

[See below, Chap. i, Sec. viii.]

13. Declaration concerning "The Shorter Bible."

In response to several Overtures and Papers regarding "The Shorter Bible" The General Assembly made the following declaration.

The Presbyterian Church in the U. S. A. welcomes every sincere effort to bring the Word of God to the minds and hearts of men, and it gladly recognizes that many such efforts are now being made. In view of several movements to this end, however, it bears earnest testimony to the necessity of the Word of God as an entirety, believing that its parts are best understood only in their relation to the whole, and that nothing is The Bible, nor is wisely or properly called by that name, except the whole Bible. Pastors and teachers are urged to make it plain that excerpts from the Bible, while legitimate and often desirable, are merely parts of one revelation, needing all the other parts for their full meaning. This Church maintains no Index of forbidden books, but wishes its people to have free access to all knowledge of and about the Bible. Its concern is solely to maintain the full knowledge of the whole Word of God.—1922, p. 77.

III. The books commonly called Apocrypha, not being of divine inspiration, are no part of the canon of the Scripture; and therefore are of no authority in the Church of God, nor to be any otherwise approved, or made use of, than other human writings.

IV. The authority of the Holy Scripture, for which it ought to be believed and obeyed, dependeth not upon the testimony of any man or church, but wholly upon God, (who is truth itself,) the author thereof; and therefore it is to be received, because it is the Word of God.

V. We may be moved and induced by the testimony of the Church to an high and reverent esteem of the Holy Scripture; and the heavenliness of the matter, the efficacy of the doctrine, the majesty of the style, the consent of all the parts, the scope of the whole, (which is to give all glory to God,) the full discovery it makes of the only way of man's salvation, the many other incomparable excellencies, and the entire perfection thereof, are arguments whereby it doth abundantly evidence itself to be the Word of God; yet, notwithstanding, our full persuasion and assurance of the infallible truth, and divine authority thereof, is from the inward work of the Holy Spirit, bearing witness by and with the Word in our hearts.

VI. The whole counsel of God, concerning all things necessary for his own glory, man's salvation, faith, and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture: unto which nothing at any time is to be added, whether by new revelations of the Spirit or traditions of men. Nevertheless we acknowledge the inward illumination of the Spirit of God to be necessary for the saving understanding of such things as are revealed in the Word;

and there are some circumstances concerning the worship of God and government of the Church, common to human actions and societies, which are to be ordered by the light of nature and Christian prudence, according to the general rules of the Word, which are always to be observed.

VII. All things in Scripture are not alike plain in themselves, nor alike clear unto all; yet those things which are necessary to be known, believed, and observed, for salvation, are so clearly propounded and opened in some place of Scripture or other, that not only the learned, but the unlearned, in a due use of the ordinary means, may attain unto a sufficient understanding of them.

VIII. The Old Testament in Hebrew, (which was the native language of the people of God of old,) and the New Testament in Greek, (which at the time of the writing of it was most generally known to the nations,) being immediately inspired by God, and by his singular care and providence kept pure in all ages, are therefore authentical; so as in all controversies of religion the Church is finally to appeal unto them. But because these original tongues are not known to all the people of God who have right unto and interest in the Scriptures, and are commanded, in the fear of God, to read and search them, therefore they are to be translated into the vulgar language of every nation unto which they come, that the Word of God dwelling plentifully in all, they may worship him in an acceptable manner, and, through patience and comfort of the Scriptures, may have hope.

1. The Bible, in its various translations, is the very Word of God.

The following deliverance was offered on the inspiration and integrity of the Scriptures:

Resolved, That the Bible as we now have it, in its various translations and versions, when freed from all errors and mistakes of translators, copyists, and printers, is the very Word of God, and consequently wholly without error.—1893, p. 169. (See p. 6, 2; p. 593, 3.)

Resolved, That all our ministers be careful, in expounding the Word publicly, so to expound, as to inspire and sustain confidence in our excellent version, as truly the Word of God; believing, as we do, that the honest-hearted inquirer searching after the truth, with a teachable spirit, will find it.—1855, N. S., p. 28.

IX. The infallible rule of interpretation of Scripture is the Scripture itself; and therefore, when there is a question about the true and full sense of any scripture, (which is not manifold, but one,) it may be searched and known by other places that speak more clearly.

X. The Supreme Judge, by whom all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits, are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scripture.

CHAPTER II.

OF GOD, AND OF THE HOLY TRINITY.

I. There is but one only living and true God, who is infinite in being and perfection, a most pure spirit, invisible, without body, parts, or passions, immutable, immense, eternal, incomprehensible, almighty, most wise, most holy, most free, most absolute, working all things according to the counsel of his own immutable and most righteous will, for his own glory; most loving, gracious, merciful, long-suffering, abundant in goodness and truth, forgiving iniquity, transgression, and sin; the rewarder of them that diligently seek him; and withal most just and terrible in his judgments, hating all sin, and who will by no means clear the guilty.

II. God hath all life, glory, goodness, blessedness, in and of himself; and is alone in and unto himself all-sufficient, not standing in need of any creatures which he hath made, nor deriving any glory from them, but only manifesting his own glory in, by, unto, and upon them: he is the alone fountain of all being, of whom, through whom, and to whom, are all things; and hath most sovereign dominion over them, to do by them, for them, and upon them, whatsoever himself pleaseth. In his sight all things are open and manifest; his knowledge is infinite, infallible, and independent upon the creature, so as nothing is to him contingent or uncertain. He is most holy in all his counsels, in all his works, and in all his commands. To him is due from angels and men, and every other creature, whatsoever worship, service, or obedience, he is pleased to require of them.

III. In the unity of the Godhead there be three persons of one substance, power, and eternity; God the Father, God the Son, and God the Holy Ghost. The Father is of none, neither begotten nor proceeding; the Son is eternally begotten of the Father; the Holy Ghost eternally proceeding from the Father and the Son.

[NOTE.—See case of John Miller, Specification 3, *Digest*, 1930, Vol. II, p. 328.]

1. Refusal to alter the language of the Confession.

Overture from Rev. Sayres Gazley in relation to changes in the language of our Confession of Faith, regarding the doctrine of the Trinity and other doctrines.

The Committee recommend as an answer, that no change in the language of the Confession, respecting the points suggested, is desirable, or consistent with the Word of God.—1859, p. 532, O. S.

CHAPTER III.*

OF GOD'S ETERNAL DECREE.

I. God from all eternity did by the most wise and holy counsel of his own will, freely and unchangeably ordain whatsoever comes to pass: yet so as thereby neither is God the author of sin, nor is violence offered to the will of the creatures, nor is the liberty or contingency of second causes taken away, but rather established.

II. Although God knows whatsoever may or can come to pass upon all supposed conditions; yet hath he not decreed anything because he foresaw it as future, or as that which would come to pass upon such conditions.

[Note.—See case of Samuel Harker, *Digest*, 1930, Vol. II, p. 329.]

III. By the decree of God, for the manifestation of his glory, some men and angels are predestinated unto everlasting life, and others fore-ordained to everlasting death.

IV. These angels and men, thus predestinated and fore-ordained, are particularly and unchangeably designed; and their number is so certain and definite that it cannot be either increased or diminished.

V. Those of mankind that are predestinated unto life, God, before the foundation of the world was laid, according to his eternal and immutable purpose, and the secret counsel and good pleasure of his will, hath chosen in Christ, unto everlasting glory, out of his mere free grace and love, without any foresight of faith or good works, or perseverance in either of them, or any other thing in the creature, as conditions, or causes moving him thereunto; and all to the praise of his glorious grace.

VI. As God hath appointed the elect unto glory, so hath he, by the eternal and most free purpose of his will, fore-ordained all the means thereunto. Wherefore they who are elected being fallen in Adam, are redeemed by Christ, are effectually called unto faith in Christ by his Spirit working in due season; are justified, adopted, sanctified, and kept by his power through faith unto salvation. Neither are any other redeemed by Christ, effectually called, justified, adopted, sanctified, and saved, but the elect only.

VII. The rest of mankind, God was pleased, according to the unsearchable counsel of his own will, whereby he extendeth or withholdeth mercy as he pleaseth, for the glory of his sovereign power over his creatures, to pass by, and to ordain them to dishonor and wrath for their sin, to the praise of his glorious justice.

VIII. The doctrine of this high mystery of predestination is to be handled with special prudence and care, that men attending the will

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*[Note.—See Declaratory Statement, this *Digest*, Vol. I, p. 68.]

of God revealed in his Word, and yielding obedience thereunto, may from the certainty of their effectual vocation, be assured of their eternal election. So shall this doctrine afford matter of praise, reverence, and admiration of God; and of humility, diligence, and abundant consolation, to all that sincerely obey the Gospel.

[NOTE.—See case of Thomas B. Craighead, *Digest*, 1930, Vol. II, p. 331.]

CHAPTER IV.

OF CREATION.

I. It pleased God the Father, Son, and Holy Ghost, for the manifestation of the glory of his eternal power, wisdom, and goodness, in the beginning, to create, or make of nothing, the world, and all things therein, whether visible or invisible, in the space of six days, and all very good.

II. After God had made all other creatures, he created man, male and female, with reasonable and immortal souls, endued with knowledge, righteousness, and true holiness, after his own image, having the law of God written in their hearts, and power to fulfill it; and yet under a possibility of transgressing, being left to the liberty of their own will, which was subject unto change. Besides this law written in their hearts, they received a command not to eat of the tree of the knowledge of good and evil; which while they kept they were happy in their communion with God, and had dominion over the creatures.

[NOTE.—See case of John Miller, Specification 1, *Digest*, 1930, Vol. II, p. 328.]

CHAPTER V.

OF PROVIDENCE.

I. God, the great Creator of all things, doth uphold, direct, dispose, and govern all creatures, actions, and things, from the greatest even to the least, by his most wise and holy providence, according to his infallible foreknowledge, and the free and immutable counsel of his own will, to the praise of the glory of his wisdom, power, justice, goodness, and mercy.

II. Although, in relation to the foreknowledge, and decree of God, the first cause, all things come to pass immutably and infallibly, yet, by the same providence, he ordereth them to fall out according to the nature of second causes, either necessarily, freely or contingently.

III. God, in his ordinary providence, maketh use of means, yet is free to work without, above, and against them, at his pleasure.

IV. The almighty power, unsearchable wisdom, and infinite goodness of God, so far manifest themselves in his providence, that it extendeth itself even to the first fall, and all other sins of angels and men, and that not by a bare permission, but such as hath joined with it a most wise and powerful bounding, and otherwise ordering and governing of them, in a manifold dispensation, to his own holy ends; yet so, as the sinfulness thereof proceedeth only from the creature, and not from God; who being most holy and righteous, neither is, nor can be the author or approver of sin.

V. The most wise, righteous, and gracious God doth oftentimes leave for a season his own children to manifold temptations, and the corruption of their own hearts, to chastise them for their former sins, or to discover unto them the hidden strength of corruption and deceitfulness of their hearts, that they may be humbled; and to raise them to a more close and constant dependence for their support upon himself, and to make them more watchful against all future occasions of sin, and for sundry other just and holy ends.

VI. As for those wicked and ungodly men, whom God as a righteous judge, for former sins, doth blind and harden, from them he not only withholdeth his grace, whereby they might have been enlightened in their understandings, and wrought upon in their hearts; but sometimes also withdraweth the gifts which they had, and exposeth them to such objects as their corruption makes occasion of sin; and withal, gives them over to their own lusts, the temptations of the world, and the power of Satan: whereby it comes to pass that they harden themselves, even under those means which God useth for the softening of others.

VII. As the providence of God doth, in general, reach to all creatures; so, after a most special manner, it taketh care of his Church, and disposeth all things to the good thereof.

CHAPTER VI.

OF THE FALL OF MAN, OF SIN, AND OF THE PUNISHMENT THEREOF.

I. Our first parents, being seduced by the subtlety and temptation of Satan, sinned in eating the forbidden fruit. This their sin God was pleased, according to his wise and holy counsel, to permit, having purposed to order it to his own glory.

II. By this sin they fell from their original righteousness, and communion with God, and so became dead in sin, and wholly defiled in all the faculties and parts of soul and body.

III. They being the root of all mankind, the guilt of this sin was imputed, and the same death in sin and corrupted nature conveyed, to all their posterity, descending from them by ordinary generation.

[NOTE.—See case of John Miller, *Digest*, 1930, Vol. II, p. 328.]

IV. From this original corruption, whereby we are utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil, do proceed all actual transgressions.

V. This corruption of nature, during this life, doth remain in those that are regenerated: and although it be through Christ pardoned and mortified, yet both itself, and all the motions thereof, are truly and properly sin.

VI. Every sin, both original and actual, being a transgression of the righteous law of God, and contrary thereunto, doth, in its own nature, bring guilt upon the sinner, whereby he is bound over to the wrath of God, and curse of the law, and so made subject to death, with all miseries spiritual, temporal, and eternal.

[NOTE.—See cases of Rev. Hezekiah Balch and Rev. John Miller, *Digest*, 1930, Vol. II, pp. 326–329.]

CHAPTER VII.

OF GOD'S COVENANT WITH MAN.

I. The distance between God and the creature is so great, that although reasonable creatures do owe obedience unto him as their Creator, yet they could never have any fruition of him, as their blessedness and reward, but by some voluntary condescension on God's part, which he hath been pleased to express by way of covenant.

II. The first covenant made with man was a covenant of works, wherein life was promised to Adam, and in him to his posterity, upon condition of perfect and personal obedience.

[NOTE.—See case of William C. Davis, *Digest*, 1930, Vol. II, p. 330.]

III. Man, by his fall, having made himself incapable of life by that covenant, the Lord was pleased to make a second, commonly called the covenant of grace: wherein he freely offereth unto sinners life and salvation by Jesus Christ, requiring of them faith in him, that they may be saved; and promising to give unto all those that are ordained unto life, his Holy Spirit, to make them willing and able to believe.

IV. This covenant of grace is frequently set forth in the Scripture by the name of a testament, in reference to the death of Jesus Christ, the testator, and to the everlasting inheritance, with all things belonging to it, therein bequeathed.

V. This covenant was differently administered in the time of the law, and in the time of the gospel: under the law it was administered by promises, prophecies, sacrifices, circumcision, the paschal lamb, and other types and ordinances delivered to the people of the Jews, all fore-signifying Christ to come, which were for that time sufficient and efficacious, through the operation of the Spirit, to instruct and build up the elect in faith in the promised Messiah, by whom they had full remission of sins, and eternal salvation; and is called the Old Testament.

VI. Under the gospel, when Christ the substance was exhibited, the ordinances in which this covenant is dispensed are the preaching of the Word, and the administration of the Sacraments of Baptism and the Lord's Supper; which, though fewer in number, and administered with more simplicity and less outward glory, yet in them it is held forth in more fullness, evidence, and spiritual efficacy, to all nations, both Jews and Gentiles; and is called the New Testament. There are not, therefore, two covenants of grace differing in substance, but one and the same under various dispensations.

[Note.—See case of Samuel Harker, *Digest*, 1930, Vol. II, p. 329.]

CHAPTER VIII.

OF CHRIST THE MEDIATOR.

I. It pleased God, in his eternal purpose, to choose and ordain the Lord Jesus, his only begotten Son, to be the Mediator between God and man; the prophet, priest, and king; the head and Saviour of his Church; the heir of all things, and judge of the world; unto whom he did, from all eternity, give a people to be his seed, and to be by him in time redeemed, called, justified, sanctified, and glorified.

II. The Son of God, the second person in the Trinity, being very and eternal God, of one substance, and equal with the Father, did, when the fullness of time was come, take upon him man's nature, with all the essential properties and common infirmities thereof, yet without sin: being conceived by the power of the Holy Ghost, in the womb of the Virgin Mary, of her substance. So that two whole, perfect, and distinct natures, the Godhead and the manhood, were inseparably joined together in one person, without conversion, composition, or confusion. Which person is very God and very man, yet one Christ, the only Mediator between God and man.

III. The Lord Jesus, in his human nature thus united to the divine, was sanctified and anointed with the Holy Spirit above measure; having in him all the treasures of wisdom and knowledge; in whom it pleased the Father that all fullness should dwell: to the end that being holy, harmless, undefiled, and full of grace and truth, he might be thoroughly furnished to execute the office of a Mediator and Surety. Which office he took not unto himself, but was thereunto called by his Father; who put all power and judgment into his hand, and gave him commandment to execute the same.

IV. This office the Lord Jesus did most willingly undertake: which that he might discharge, he was made under the law, and did perfectly fulfill it; endured most grievous torments immediately in his soul, and most painful sufferings in his body; was crucified, and died; was buried, and remained under the power of death, yet saw no corruption. On the third day he arose from the dead, with the same body in which he suffered; with which also he ascended into heaven, and there sitteth at the right hand of his Father, making intercession; and shall return to judge men and angels, at the end of the world.

V. The Lord Jesus, by his perfect obedience and sacrifice of himself, which he through the eternal Spirit once offered up unto God, hath fully satisfied the justice of his Father; and purchased not only reconciliation, but an everlasting inheritance in the kingdom of heaven, for all those whom the Father hath given unto him.

VI. Although the work of redemption was not actually wrought by Christ till after his incarnation, yet the virtue, efficacy, and benefits thereof, were communicated unto the elect, in all ages successively from the beginning of the world, in and by those promises, types, and sacrifices, wherein he was revealed and signified to be the seed of the woman which should bruise the serpent's head, and the Lamb slain from the beginning of the world, being yesterday and to-day the same, and for ever.

VII. Christ, in the work of mediation, acteth according to both natures; by each nature doing that which is proper to itself: yet by reason of the unity of the person, that which is proper to one nature, is sometimes in Scripture, attributed to the person denominated by the other nature.

VIII. To all those for whom Christ hath purchased redemption, he doth certainly and effectually apply and communicate the same; making intercession for them, and revealing unto them, in and by the Word, the mysteries of salvation; effectually persuading them by his Spirit to believe and obey; and governing their hearts by his Word and Spirit; overcoming all their enemies by his almighty power and wisdom, in such manner and ways as are most consonant to his wonderful and unsearchable dispensation.

[Note.—See case of Thomas B. Craighead, *Digest*, 1930, Vol. II, p. 331.]

[Note.—See for unanimous deliverance upon the infallibility of Christ, *Digest*, 1930, Vol. II, p. 324.]

CHAPTER IX.

OF FREE WILL.

I. God hath endued the will of man with that natural liberty, that it is neither forced, nor, by any absolute necessity of nature, determined to good or evil.

II. Man, in his state of innocency, had freedom and power to will and to do that which is good and well-pleasing to God; but yet mutably, so that he might fall from it.

III. Man, by his fall into a state of sin, hath wholly lost all ability of will to any spiritual good accompanying salvation; so as a natural man, being altogether averse from that good, and dead in sin, is not able, by his own strength, to convert himself, or to prepare himself thereunto.

IV. When God converts a sinner, and translates him into the state of grace, he freeth him from his natural bondage under sin, and, by his grace alone, enables him freely to will and to do that which is spiritually good; yet so as that, by reason of his remaining corruption, he doth not perfectly, nor only, will that which is good, but doth also will that which is evil.

V. The will of man is made perfectly and immutably free to good alone, in the state of glory only.

CHAPTER X.

OF EFFECTUAL CALLING.

I. All those whom God hath predestinated unto life, and those only, he is pleased, in his appointed and accepted time effectually to call, by his Word and Spirit, out of that state of sin and death, in which they are by nature, to grace and salvation by Jesus Christ; enlightening their minds spiritually and savingly, to understand the things of God; taking away their heart of stone, and giving unto them an heart of flesh; renewing their wills, and by his almighty power determining them to that which is good; and effectually drawing them to Jesus Christ, yet so as they come most freely, being made willing by his grace.

II. This effectual call is of God's free and special grace alone, not from any thing at all foreseen in man, who is altogether passive therein, until being quickened and renewed by the Holy Spirit, he is thereby enabled to answer this call, and to embrace the grace offered and conveyed in it.

[Note.—See case of William C. Davis, under Chap. xi, below, Doctrine v, *Digest*, 1930, Vol. II, p. 330.]

III.* Elect infants, dying in infancy, are regenerated and saved by Christ through the Spirit, who worketh when, and where, and how he pleaseth. So also are all other elect persons, who are incapable of being outwardly called by the ministry of the Word.

IV. Others, not elected, although they may be called by the ministry of the Word, and may have some common operations of the Spirit, yet they never truly come to Christ, and therefore cannot be saved: much

[*See Declaratory Statement, *Digest*, 1930, Vol. I, p. 68.]

less can men, not professing the Christian religion, be saved in any other way whatsoever, be they never so diligent to frame their lives according to the light of nature, and the law of that religion they do profess; and to assert and maintain that they may is very pernicious, and to be detested.

CHAPTER XI.

OF JUSTIFICATION.

I. Those whom God effectually calleth, he also freely justifieth: not by infusing righteousness into them, but by pardoning their sins, and by accounting and accepting their persons as righteous: not for anything wrought in them, or done by them, but for Christ's sake alone: not by imputing faith itself, the act of believing, or any other evangelical obedience to them, as their righteousness; but by imputing the obedience and satisfaction of Christ unto them, they receiving and resting on him and his righteousness by faith; which faith they have not of themselves, it is the gift of God.

II. Faith, thus receiving and resting on Christ and his righteousness, is the alone instrument of justification; yet is it not alone in the person justified, but is ever accompanied with all other saving graces, and is no dead faith, but worketh by love.

1. The doctrine of justification by faith and the doctrine of baptism to be maintained in interdenominational intercourse.

Overture No. 16, from the Presbytery of Aberdeen, requesting the Assembly's judgment on the following questions: 1. In our interdenominational intercourse are we to consider and treat a Church as one of the evangelical Churches if it denies the historic Protestant principle of justification by faith alone; or, if it insists that baptism is essential for salvation? 2. Is it expedient for Presbyterian Young People's Societies to affiliate in formal union with Young People's Societies of Churches which hold the aforenamed views? It is recommended that these questions be answered as follows:

1. The doctrine of justification by faith alone was a distinguishing and cardinal principle of the Protestant Reformation in the sixteenth century, and is accepted as a fundamental doctrine of the Evangelical Alliance. In all the relations of life we are to maintain this great article of the Christian faith, and do nothing that can fairly be regarded as a repudiation of it. The application in interdenominational intercourse of its general obligations belongs, as occasion may arise, to those who in the providence of God are called to apply it.—1899, p. 54.

2. The doctrine of our Church regarding baptism is adequately set forth in the Confession of Faith and Larger and Shorter Catechisms. In accordance with this doctrine as there set forth, all interdenominational intercourse ought to be regulated.—1899, p. 54.

[Note.—See also unanimous deliverance upon Justification by Faith, *Digest*, 1930, Vol. II, p. 324.]

III. Christ, by his obedience and death, did fully discharge the debt of all those that are thus justified, and did make a proper, real, and full satisfaction to his Father's justice in their behalf. Yet, inasmuch as he was given by the Father for them; and his obedience and satisfaction accepted in their stead; and, both, freely, not for any thing in them, their justification is only of free grace; that both the exact justice, and rich grace of God, might be glorified in the justification of sinners.

IV. God did, from all eternity, decree to justify all the elect; and Christ did, in the fullness of time, die for their sins, and rise again for their justification: nevertheless they are not justified, until the Holy Spirit doth, in due time, actually apply Christ unto them.

V. God doth continue to forgive the sins of those that are justified: and although they can never fall from the state of justification, yet they may by their sins fall under God's fatherly displeasure, and not have the light of his countenance restored unto them, until they humble themselves, confess their sins, beg pardon, and renew their faith and repentance.

VI. The justification of believers under the Old Testament was, in all these respects, one and the same with the justification of believers under the New Testament.

[NOTE.—See cases of Rev. William C. Davis and Rev. Thomas B. Craighead, *Digest*, 1930, Vol. II, pp. 330, 331.]

CHAPTER XII.

OF ADOPTION.

I. All those that are justified, God vouchsafeth, in and for his only Son Jesus Christ, to make partakers of the grace of adoption: by which they are taken into the number, and enjoy the liberties and privileges of the children of God; have his name put upon them; receive the Spirit of adoption; have access to the throne of grace with boldness; are enabled to cry Abba, Father; are pitied, protected, provided for, and chastened by him as by a Father; yet never cast off, but sealed to the day of redemption, and inherit the promises, as heirs of everlasting salvation.

CHAPTER XIII.

OF SANCTIFICATION.

I. They who are effectually called and regenerated, having a new heart and a new spirit created in them, are further sanctified, really and personally, through the virtue of Christ's death and resurrection, by his Word and Spirit dwelling in them: the dominion of the whole body of sin is destroyed, and the several lusts thereof are more and more weakened and mortified; and they more and more quickened and strengthened, in all saving graces, to the practice of true holiness, without which no man shall see the Lord.

II. This sanctification is throughout in the whole man, yet imperfect in this life: there abideth still some remnants of corruption in every part, whence ariseth a continual and irreconcilable war, the flesh lusting against the spirit, and the spirit against the flesh.

III. In which war, although the remaining corruption for a time may much prevail, yet, through the continual supply of strength from the sanctifying Spirit of Christ, the regenerate part doth overcome: and so the saints grow in grace, perfecting holiness in the fear of God.

CHAPTER XIV.

OF SAVING FAITH.

I. The grace of faith, whereby the elect are enabled to believe to the saving of their souls, is the work of the Spirit of Christ in their hearts; and is ordinarily wrought by the ministry of the Word: by which also, and by the administration of the Sacraments, and prayer, it is increased and strengthened.

II. By this faith, a Christian believeth to be true, whatsoever is revealed in the Word, for the authority of God himself speaking therein: and acteth differently, upon that which each particular passage thereof containeth; yielding obedience to the commands, trembling at the threatenings, and embracing the promises of God for this life, and that which is to come. But the principal acts of saving faith are, accepting, receiving, and resting upon Christ alone for justification, sanctification, and eternal life, by virtue of the covenant of grace.

III. This faith is different in degrees, weak or strong; may be often and many ways assailed and weakened, but gets the victory; growing up in many to the attainment of a full assurance through Christ, who is both the author and finisher of our faith.

CHAPTER XV.

OF REPENTANCE UNTO LIFE.

I. Repentance unto life is an evangelical grace, the doctrine whereof is to be preached by every minister of the gospel, as well as that of faith in Christ.

II. By it a sinner, out of the sight and sense, not only of the danger, but also of the filthiness and odiousness of his sins, as contrary to the holy nature and righteous law of God, and upon the apprehension of his mercy in Christ to such as are penitent, so grieves for and hates his sins, as to turn from them all unto God, purposing and endeavoring to walk with him in all the ways of his commandments.

III. Although repentance be not to be rested in as any satisfaction for sin, or any cause of the pardon thereof, which is the act of God's free grace in Christ; yet is it of such necessity to all sinners, that none may expect pardon without it.

IV. As there is no sin so small but it deserves damnation; so there is no sin so great, that it can bring damnation upon those who truly repent.

V. Men ought not to content themselves with a general repentance, but it is every man's duty to endeavor to repent of his particular sins, particularly.

VI. As every man is bound to make private confession of his sins to God, praying for the pardon thereof; upon which, and the forsaking of them, he shall find mercy: so he that scandalizeth his brother, or the Church of Christ, ought to be willing, by a private or public confession and sorrow for his sin, to declare his repentance to those that are offended; who are thereupon to be reconciled to him, and in love to receive him.

CHAPTER XVI.

OF GOOD WORKS.

I. Good works are only such as God hath commanded in his holy Word, and not such as, without the warrant thereof, are devised by men out of blind zeal, or upon any pretence of good intention.

II. These good works, done in obedience to God's commandments, are the fruits and evidences of a true and lively faith: and by them believers manifest their thankfulness, strengthen their assurance, edify their brethren, adorn the profession of the gospel, stop the mouths of the adversaries, and glorify God, whose workmanship they are, created in Christ Jesus thereunto; that, having their fruit unto holiness, they may have the end, eternal life.

III. Their ability to do good works is not at all of themselves, but wholly from the Spirit of Christ. And that they may be enabled thereunto, besides the graces they have already received, there is required an actual influence of the same Holy Spirit to work in them to will and to do of his good pleasure: yet are they not hereupon to grow negligent, as if they were not bound to perform any duty unless upon a special motion of the Spirit; but they ought to be diligent in stirring up the grace of God that is in them.

IV. They who, in their obedience, attain to the greatest height which is possible in this life, are so far from being able to supererogate and to do more than God requires, that they fall short of much which in duty they are bound to do.

V. We cannot, by our best works, merit pardon of sin, or eternal life, at the hand of God, by reason of the great disproportion that is between them and the glory to come, and the infinite distance that is between us and God, whom by them we can neither profit, nor satisfy for the debt of our former sins; but, when we have done all we can, we have done but our duty, and are unprofitable servants; and because, as they are good, they proceed from his Spirit; and, as they are wrought by us, they are defiled and mixed with so much weakness and imperfection, that they cannot endure the severity of God's judgment.

VI. Yet notwithstanding, the persons of believers being accepted through Christ, their good works also are accepted in him, not as though they were in this life wholly unblamable and unreprovable in God's sight; but that he, looking upon them in his Son, is pleased to accept and reward that which is sincere, although accompanied with many weaknesses and imperfections.

VII. Works done by unregenerate men, although for the matter of them they may be things which God commands, and in themselves praiseworthy and useful, and although the neglect of such things is sinful and displeasing unto God; yet because they proceed not from a heart purified by faith, nor are done in a right manner, according to His Word, nor to a right end, the glory of God; they come short of what God requires and do not make any man meet to receive the grace of God.

CHAPTER XVII.

OF THE PERSEVERANCE OF THE SAINTS.

I. They whom God hath accepted in his Beloved, effectually called and sanctified by his Spirit, can neither totally nor finally fall away from the state of grace; but shall certainly persevere therein to the end, and be eternally saved.

II. This perseverance of the saints depends, not upon their own free-will, but upon the immutability of the decree of election, flowing from the free and unchangeable love of God the Father; upon the efficacy of the merit and intercession of Jesus Christ; the abiding of the Spirit and of the seed of God within them; and the nature of the covenant of grace: from all which ariseth also the certainty and infallibility thereof.

III. Nevertheless they may, through the temptations of Satan and of the world, the prevalency of corruption remaining in them, and the neglect of the means of their preservation, fall into grievous sins; and for a time continue therein: whereby they incur God's displeasure, and grieve his Holy Spirit; come to be deprived of some measure of their graces and comforts; have their hearts hardened, and their consciences wounded; hurt and scandalize others, and bring temporal judgments upon themselves.

CHAPTER XVIII.

OF THE ASSURANCE OF GRACE AND SALVATION.

I. Although hypocrites, and other unregenerate men, may vainly deceive themselves with false hopes and carnal presumptions of being in the favor of God and estate of salvation; which hope of theirs shall perish: yet such as truly believe in the Lord Jesus, and love him in sincerity, endeavoring to walk in all good conscience before him, may in this life be certainly assured that they are in a state of grace, and may rejoice in the hope of the glory of God; which hope shall never make them ashamed.

II. This certainty is not a bare conjectural and probable persuasion, grounded upon a fallible hope; but an infallible assurance of faith, founded upon the divine truth of the promises of salvation, the inward evidence of those graces unto which these promises are made, the testimony of the Spirit of adoption witnessing with our spirits that we are the children of God: which Spirit is the earnest of our inheritance, whereby we are sealed to the day of redemption.

III. This infallible assurance doth not so belong to the essence of faith, but that a true believer may wait long, and conflict with many difficulties before he be partaker of it: yet, being enabled by the Spirit to know the things which are freely given him of God, he may, without extraordinary revelation, in the right use of ordinary means, attain thereunto. And therefore it is the duty of every one to give all diligence to make his calling and election sure; that thereby his heart may be enlarged in peace and joy in the Holy Ghost, in love and thankfulness to God, and in strength and cheerfulness in the duties of obedience, the proper fruits of this assurance: so far is it from inclining men to looseness.

IV. True believers may have the assurance of their salvation divers ways shaken, diminished, and intermitted: as, by negligence in preserving of it; by falling into some special sin, which woundeth the conscience, and grieveth the Spirit; by some sudden or vehement temptation; by God's withdrawing the light of his countenance, and suffering even such as fear him to walk in darkness and to have no light: yet are they never utterly destitute of that seed of God, and life of faith; that love of Christ and the brethren; that sincerity of heart and conscience of duty;

out of which, by the operation of the Spirit, this assurance may in due time be revived, and by the which, in the mean time, they are supported from utter despair.

CHAPTER XIX.

OF THE LAW OF GOD.

I. God gave to Adam a law, as a covenant of works, by which he bound him and all his posterity to personal, entire, exact, and perpetual obedience; promised life upon the fulfilling, and threatened death upon the breach of it; and endued him with power and ability to keep it.

II. This law, after his fall, continued to be a perfect rule of righteousness, and, as such, was delivered by God upon Mount Sinai in ten commandments, and written in two tables; the first four commandments containing our duty towards God, and the other six our duty to man.

III. Besides this law, commonly called moral, God was pleased to give to the people of Israel, as a Church under age, ceremonial laws, containing several typical ordinances, partly of worship, prefiguring Christ, his graces, actions, suffering, and benefits; and partly holding forth divers instructions of moral duties. All which ceremonial laws are now abrogated under the New Testament.

IV. To them also, as a body politic, he gave sundry judicial laws, which expired together with the state of that people, not obliging any other, now, further than the general equity thereof may require.

V. The moral law doth for ever bind all, as well justified persons as others, to the obedience thereof; and that not only in regard of the matter contained in it, but also in respect of the authority of God the Creator who gave it. Neither doth Christ in the gospel any way dissolve, but much strengthen, this obligation.

VI. Although true believers be not under the law as a covenant of works, to be thereby justified or condemned; yet is it of great use to them, as well as to others; in that, as a rule of life, informing them of the will of God and their duty, it directs and binds them to walk accordingly; discovering also the sinful pollutions of their nature, hearts, and lives; so as, examining themselves thereby, they may come to further conviction of, humiliation for, and hatred against sin; together with a clearer sight of the need they have of Christ, and the perfection of his obedience. It is likewise of use to the regenerate, to restrain their corruptions, in that it forbids sin; and the threatenings of it serve to show what even their sins deserve, and what afflictions in this life they may expect for them, although freed from the curse thereof threatened in the law. The promises of it, in like manner, show them God's approbation of obedience, and what blessings they may expect upon the performance thereof, although not as due to them by the law as a covenant of works: so as a man's doing good, and refraining from evil, because the law encourageth to the one, and deterreth from the other, is no evidence of his being under the law, and not under grace.

VII. Neither are the forementioned uses of the law contrary to the grace of the gospel, but do sweetly comply with it; the Spirit of Christ subduing and enabling the will of man to do that freely and cheerfully, which the will of God, revealed in the law, requireth to be done.

CHAPTER XX.

OF CHRISTIAN LIBERTY, AND LIBERTY OF CONSCIENCE.

I. The liberty which Christ hath purchased for believers under the gospel consists in their freedom from the guilt of sin, the condemning wrath of God, the curse of the moral law, and in their being delivered from this present evil world, bondage to Satan, and dominion of sin, from the evil of afflictions, the sting of death, the victory of the grave, and everlasting damnation; as also in their free access to God, and their yielding obedience unto him, not out of slavish fear, but a child-like love, and a willing mind. All which were common also to believers under the law: but under the New Testament, the liberty of Christians is further enlarged in their freedom from the yoke of the ceremonial law, to which the Jewish Church was subjected; and in greater boldness of access to the throne of grace, and in fuller communications of the free Spirit of God, than believers under the law did ordinarily partake of.

II. God alone is lord of the conscience, and hath left it free from the doctrines and commandments of men which are in any thing contrary to his Word, or beside it, in matters of faith or worship. So that to believe such doctrines, or to obey such commandments out of conscience, is to betray true liberty of conscience; and the requiring of an implicit faith, and an absolute and blind obedience, is to destroy liberty of conscience, and reason also.

NOTE.—[See Form of Government, Chap. i, Secs. i and vii.]

III. They who, upon pretence of Christian liberty, do practice any sin, or cherish any lust, do thereby destroy the end of Christian liberty, which is, that, being delivered out of the hands of our enemies, we might serve the Lord without fear, in holiness and righteousness before him, all the days of our life.

IV. And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature; or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness: or such erroneous opinions or practices, as either, in their own nature, or, in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the Church: they may lawfully be called to account, and proceeded against by the censures of the Church.

CHAPTER XXI.

OF RELIGIOUS WORSHIP AND THE SABBATH DAY.

I. The light of nature showeth that there is a God, who hath lordship and sovereignty over all; is good, and doeth good unto all; and is therefore to be feared, loved, praised, called upon, trusted in, and served with all the heart, and with all the soul, and with all the might. But the acceptable way of worshiping the true God is instituted by himself, and so limited by his own revealed will, that he may not be worshiped according to the imaginations and devices of men, or the suggestions of Satan, under any visible representation, or any other way not prescribed in the Holy Scripture.

II. Religious worship is to be given to God, the Father, Son, and Holy Ghost; and to him alone: not to angels, saints, or any other creature: and, since the fall, not without a Mediator; nor in the mediation of any other but of Christ alone.

III. Prayer, with thanksgiving, being one special part of religious worship, is by God required of all men; and, that it may be accepted, it is to be made in the name of the Son, by the help of his Spirit, according to his will, with understanding, reverence, humility, fervency, faith, love, and perseverance; and, if vocal, in a known tongue.

IV. Prayer is to be made for things lawful, and for all sorts of men living, or that shall live hereafter; but not for the dead, nor for those of whom it may be known that they have sinned the sin unto death.

V. The reading of the Scriptures with godly fear; the sound preaching, and conscionable hearing of the Word, in obedience unto God, with understanding, faith, and reverence; singing of psalms with grace in the heart; as, also, the due administration and worthy receiving of the Sacraments instituted by Christ; are all parts of the ordinary religious worship of God: besides religious oaths, and vows, solemn fastings, and thanksgivings upon special occasions; which are, in their several times and seasons, to be used in an holy and religious manner.

VI. Neither prayer, nor any other part of religious worship, is now, under the gospel, either tied unto, or made more acceptable by, any place in which it is performed, or towards which it is directed: but God is to be worshiped everywhere in spirit and in truth; as in private families daily, and in secret each one by himself; so more solemnly in the public assemblies, which are not carelessly or willfully to be neglected or forsaken, when God, by his Word or providence, calleth thereunto.

VII. As it is of the law of nature, that, in general, a due proportion of time be set apart for the worship of God; so, in his Word, by a positive, moral and perpetual commandment, binding all men in all ages, he hath particularly appointed one day in seven for a Sabbath, to be kept holy unto him: which, from the beginning of the world to the resurrection of Christ, was the last day of the week; and, from the resurrection of Christ, was changed into the first day of the week, which in Scripture is called the Lord's Day, and is to be continued to the end of the world, as the Christian Sabbath.

VIII. This Sabbath is then kept holy unto the Lord, when men, after a due preparing of their hearts, and ordering of their common affairs beforehand, do not only observe an holy rest all the day from their own works, words, and thoughts, about their worldly employments and recreations; but also are taken up the whole time in the public and private exercise of his worship, and in the duties of necessity and mercy.

[Note.—See this *Digest*, Vol. I, Directory for Worship, Chaps. i, iii, iv, vii, viii and xv.]

CHAPTER XXII.

OF LAWFUL OATHS AND VOWS.

I. A lawful oath is a part of religious worship, wherein, upon just occasion, the person swearing, solemnly calleth God to witness what he asserteth or promiseth: and to judge him according to the truth or falsehood of what he sweareth.

II. The name of God only is that by which men ought to swear, and therein it is to be used with all holy fear and reverence; therefore to swear vainly or rashly by that glorious and dreadful name, or to swear at all by any other thing, is sinful and to be abhorred. Yet as, in matters of weight and moment, an oath is warranted by the Word of God, under the New Testament, as well as under the Old; so a lawful oath, being imposed by lawful authority, in such matters, ought to be taken.

[Note.—For the form of the oath or affirmation, see this *Digest*, Vol. I, Book of Discipline, Chap. viii, Sec. 62, p. 598.]

III. Whosoever taketh an oath ought duly to consider the weightiness of so solemn an act, and therein to avouch nothing but what he is fully persuaded is the truth. Neither may any man bind himself by oath to any thing but what is good and just, and what he believeth so to be, and what he is able and resolved to perform.

IV. An oath is to be taken in the plain and common sense of the words, without equivocation or mental reservation. It cannot oblige to sin; but in anything not sinful, being taken, it binds to performance, although to a man's own hurt: nor is it to be violated, although made to heretics or infidels.

V. A vow is of the like nature with a promissory oath, and ought to be made with the like religious care, and to be performed with the like faithfulness.

VI. It is not to be made to any creature, but to God alone: and, that it may be accepted, it is to be made voluntarily; out of faith and conscience of duty; in way of thankfulness for mercy received; or for obtaining of what we want: whereby we more strictly bind ourselves to necessary duties; or to other things, so far and so long as they may fitly conduce thereunto.

VII. No man may vow to do anything forbidden in the Word of God, or what would hinder any duty therein commanded, or which is not in his own power, and for the performance whereof he hath no promise or ability from God. In which respects, popish monastical vows of perpetual single life, professed poverty, and regular obedience, are so far from being degrees of higher perfection, that they are superstitious and sinful snares, in which no Christian may entangle himself.

CHAPTER XXIII.

OF THE CIVIL MAGISTRATE.

I. God, the Supreme Lord and King of all the world, hath ordained civil magistrates to be under him over the people, for his own glory and the public good; and, to this end, hath armed them with the power of the sword, for the defence and encouragement of them that are good, and for the punishment of evil doers.

II. It is lawful for Christians to accept and execute the office of a magistrate, when called thereunto: in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth; so, for that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions.

III. Civil magistrates may not assume to themselves the administration of the Word and Sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his Church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of *any* denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretence of religion or of infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever: and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

IV. It is the duty of people to pray for magistrates, to honor their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity or difference in religion, doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him: from which ecclesiastical persons are not exempted; much less hath the Pope any power or jurisdiction over them in their dominions, or over any of their people; and least of all to deprive them of their dominions or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever.

[NOTE.—See "Testimony of the Assembly on the Outbreak of the Civil War," *Digest*, 1886, pp. 235, 236; *Minutes*, 1861, p. 446, N. S. See, also, this *Digest*, Vol. I, under Form of Government, Chap. viii, Sec. ii, p. 93.]

1. Civil law enforcement.

Whereas the widespread and growing, and in many instances, boasted violation of law, and in particular of the Eighteenth Amendment of the Federal Constitution, the fundamental law of our country, tends to discredit our form of government, and breeds disrespect for all authority; and

Whereas the continuance of our nation hinges upon respect for and obedience to law; therefore,

Be it resolved: We, the General Assembly of the Presbyterian Church in the United States of America, true to our Church's traditions, and viewing with profound alarm the certain effects of this lawlessness upon the character of our people, call upon our members, and upon all Christians, for continued and increased activity in behalf of the maintenance and enforcement of all laws.—1922, p. 39.

CHAPTER XXIV.

OF MARRIAGE AND DIVORCE.

I. Marriage is to be between one man and one woman: neither is it lawful for any man to have more than one wife, nor for any woman to have more than one husband, at the same time.

[NOTE.—See this *Digest*, Vol. I, Directory for Worship, Chap. xii.]

1. A minister, having married again, required to cease officiating until proof is furnished of the death of his first wife.

The business concerning Mr. Van Vleck and his people again taken into consideration.

It was concluded that after the Presbytery had examined the several evidences brought in relation to the crime of bigamy, alleged against Mr. Van Vleck, as also the exceptions offered by the said Van Vleck against the evidences and in vindication of himself, the Presbytery not finding the evidences clear and positive enough to prove the crime against him, and yet Mr. Van Vleck's vindication not sufficient to take off the scandal wholly, do therefore, till such time as Mr. Van Vleck bring satisfying proof of his first wife's death, for the honor of the Gospel, advise that he do not officiate as a minister of the Gospel—1712, p. 26.

2. A bigamist to be excluded from the privileges of the Church. Willful desertion a just cause for divorce. If just cause exist and divorce be refused, the Church may receive him.

[NOTE.—See the case stated, *Digest*, 1886, p. 812; *Minutes*, 1790, p. 28.]

3. Deliverance on polgamy and Mormonism.

Polygamy a criminal offense, and to be suppressed.

a. *Overture.*—The Committee also recommended the adoption of the following preamble and resolutions, referred to them by the Assembly:

Whereas, By a recent decision of the Supreme Court of the United States, the sin of polygamy has been declared to be a criminal offense against the Constitution and the laws of our country, and under it prosecution and conviction have followed;

Resolved, 1. That this Assembly hereby records its grateful acknowledgment to God that the legal status of this affront to our Christian civilization and this menace to our social order has been finally determined, and so determined as to declare the laws and the policy of our country, in respect to this crime, to be in accord with the conscientious convictions of all patriotic and Christian men.

Resolved, 2. That this Assembly earnestly invokes the continued and persistent efforts of all executive officials for the maintenance and the execution of this law, and hereby also appeals to the patriotic Christian men and women of our land to use their united influence in support of that public sentiment, now formulated into legal enactment, which has exposed the pretense of this monstrous practice to be a religious observance, and which justly holds it to companionship with other vices which are the contempt and abhorrence of mankind.

Resolved, 3. That these resolutions be transmitted to the Assemblies now in session at Louisville and Memphis, with a request for concurrent action.

Resolved, 4. That these resolutions be transmitted, as an official expression from this body, to His Excellency the President of the United States. —1879, pp. 586, 587.

b. *Overture.*—In reply to the Overture on Mormonism, we recommend the adoption of the following:

Resolved, That, inasmuch as the General Assembly of 1879 expressed its abhorrence of the abominations of Mormonism in the action taken on the subject of polygamy, and did further heartily commend the steps taken by the civil power towards the total suppression of this great iniquity, it is deemed unnecessary for this Assembly to make any further deliverance in this matter, other than to express its earnest hope that the General Government will use its utmost endeavor to wipe out the last vestige of this monstrous evil at the earliest practicable period.—1880, p. 77.

c. *Overtures* from the Presbyteries of Chicago and Logansport, praying the Assembly to take further action on the subject of polgamy. Your Committee would respectfully offer the following for adoption by the Assembly:

Action, condemnatory of polygamy, has been taken at several recent meetings of the Assembly. Yet, as the practice of this vice continues, not only unsuppressed but unabated, within the bounds of our national territory, and since a recent decision of the Supreme Court of the United States makes the attempt to strike it more difficult than before, the Assembly feels that silence on the subject would now be inexcusable. This enormous wickedness has gradually grown through a period of years, organizing itself into a government for its own defence, under the eye of the National Government, until it has gained sufficient force to defy the legislative and executive power of the nation. It now stands more haughty and resolved than ever. Its efforts to strengthen itself by immigration of the weak and ignorant from Europe, and by despotic suppression of liberty among its votaries and victims, are systematically exerted. For its own fortification, it is forcing its way from its original stronghold into adjacent territory, where, unobserved, it may take root and fasten on the land by finding quiet recognition in local laws.

Its spirit grows, with age, no less hostile to the law of Christianity, to the instincts of morality, to the essential principles of civilization, and to the existence of liberty for the people. It is condemned alike by the Church, by the State, by the family, and by the individual conscience. It is abhorred by God. It seems all the more detestable because it hides its crime for shelter under the sacred garb of religion. It is growing as slavery grew, from infancy to maturity of grasp upon the national life. The terrible conflict required for the extermination of the one should sound timely warning as to the latent perils of the other. The Territories in which polygamy yet exists are under control of the President and of Congress, *i. e.*, of the National Government. The nation, as such, is therefore responsible for its continuance. The Christian citizens of the nation bear their share in this common responsibility.

Should these Territories once become States, with polygamy maintained, the difficulty of reaching it would be vastly heightened. They are rapidly increasing in wealth and in population, and will soon be knocking for admission as States at the national door. Efficient action for its obliteration must then, if taken at all, begin without delay.

1. We, therefore, as an Assembly, solemnly protest before God and before men against this heinous and abominable crime, as a foul blot on the face of our country, for the existence of which God will hold the nation to account, and for which He will surely call it into judgment except the evil be speedily abated.

2. We rejoice in the determination of the President of the United States, as expressed in his inaugural address, to deal vigorously with this iniquity. And we assure him of our sympathy and support in all lawful and just efforts for its extinction, praying him not to withhold his hand.

3. We reiterate our hearty approval of the stand taken by Governor Murray of Utah and his counsellors, and by the United States courts of the Territory, in hostility to polygamous marriages.

4. We respectfully memorialize the National Legislature to enact whatever laws may seem most wise and most efficient for the utter obliteration of this vice, whether as an organized system or as an individual practice.

5. And we urge our own members, without respect to party lines, zealously to exert their influence in every lawful method for the enactment of an amendment to the national Constitution that shall forever forbid the existence of polygamy in the nation.

Your Committee would also recommend that a copy of this action be officially laid before the President of the United States and the presiding officers of the two houses of Congress, as conveying the unanimous sentiment of the ministry and membership of the Presbyterian Church in the United States.—1881, pp. 549, 550.

d. The Special Committee on Mormonism respectfully recommend to the General Assembly the adoption of the following resolutions:

Resolved, 1. That the Presbyterian Church regards the doctrines and practices of the Mormon institution with loathing and abhorrence, and the continued existence, in this country and age, of an organization that encourages and defends polygamy as a foul blot on our national character and institutions.

2. That we have noticed with great gratification the recent vigorous action of Congress in the enactment of laws for the suppression of this great evil, and look with confidence to the Government of the United States for their prompt and vigorous execution.

3. That, in view of our profound conviction that the National Legislature will succeed in removing this evil, only when accompanied by the spread of the Gospel of Christ, this Assembly, while commending the Board of Home Missions for its past efforts, urges still greater effort in all the territory in which Mormonism and polygamy exist.—1882, pp. 65, 66.

[NOTE.—See for action concerning Brigham H. Roberts and Reed Smoot, *Digest*, 1930, Vol. II, pp. 353, 357.]

4. Petitions and action for an amendment to the Constitution of the United States.

a. *Resolved*, That this General Assembly hereby reaffirms the action of the last two Assemblies (see *Minutes* of 1899, p. 100, and *Minutes* of 1900,

p. 108) so far as these actions endorse the movement for the proposed anti-polygamy amendment to the Constitution of the United States. We earnestly urge upon Congress the importance of prompt action in this matter, so that such an amendment may be submitted to the States before the Mormons gain the balance of political power in any additional States of the Union.—1901, p. 50.

b. *Resolved*, That this Assembly also calls upon the people and Congress of the United States, in both Houses, and each member of each House, to employ and exhaust all legal and honorable means to secure such an amendment of the Federal Constitution as shall define legal marriage as monogamic, and make polygamy and polygamous cohabitations under every guise and pretense a crime against the United States, punishable by adequate penalties, including the disfranchisement and disqualification to vote or hold office under the United States, or in any State or Territory under their jurisdiction.—1903, p. 149; 1904, p. 86.

c. *Paper No. 286*, requesting a deliverance from this Assembly approving, in the name of our Church, the joint resolution proposing an amendment to the Constitution of the United States prohibiting polygamy within the United States, being a joint resolution introduced in the United States Senate May 9, 1906. The following action is recommended:

1. The General Assembly of the Presbyterian Church in the United States of America has heretofore repeatedly expressed its abhorrence of polygamy, and has appealed to patriotic Christian men and women of our land to use their united influence to secure the enactment of whatever laws may seem most wise and most efficient for the utter obliteration of this vice, as an organized system or as an individual practice, and did more particularly in 1881 (see *Minutes*, pp. 549 and 550) urge our own members, without respect to party lines, zealously to exert their influence in every lawful method for the enactment of an amendment to the national Constitution that shall forever forbid the existence of polygamy in the nation. Now this Assembly records its gratification and satisfaction in the proposed submission to the Legislatures of the several States of a new Article, to be known as Article 16 of the Constitution of the United States, prohibiting polygamy and polygamous cohabitation within the United States, and reiterates its former counsel to all the members of our Church to exert their influence in their several localities to secure the ratification of such amendment, if said joint resolution proposing said amendment be adopted by the Senate and House of Representatives.

2. We recommend that a copy of this action be officially laid before the President of the United States and the presiding officers of the two Houses of Congress, as conveying the sentiment and desire of the Presbyterian Church in the United States of America.—1906, p. 93.

II. Marriage is ordained for the mutual help of husband and wife; for the increase of mankind with a legitimate issue, and of the Church with an holy seed; and for the preventing of uncleanness.

III. It is lawful for all sorts of people to marry who are able with judgment to give their consent; yet it is the duty of Christians to marry only in the Lord. And, therefore, such as profess the true reformed religion should not marry with infidels, Papists or other idolaters: neither should such as are godly be unequally yoked, by marrying with such as are notoriously wicked in their life, or maintain damnable heresies.

1. Marriage with Roman Catholics.

Overtures 302, etc., on mixed marriages with Roman Catholics, have been very carefully and sympathetically considered. These *Overtures* cover matters of a delicate nature and do not in the judgment of your Committee demand any action at this time on the part of the Assembly. We, therefore, respectfully suggest that the *Overtures* be reported to the General Assembly as requiring no action, and that each pastor and Session should take careful and prayerful action on such individual cases that may come to their attention and jurisdiction.—1923, p. 341.

2. Marriage of converts with heathen. The Presbyteries to judge.

A Memorial from the Presbytery of Ningpo in China, asking for advice from this General Assembly on the subject of the marriage of professing Christians with the heathen.

The Committee recommended that it be answered as follows:

In performing the work of missions among the heathen, many difficulties will arise which will require great wisdom and forbearance, and which can only be overcome by a wise application of Scriptural rules. Of this kind are the cases respecting marriage, which will frequently occur so long as the great majority of the people are heathen. And this application of these rules must be made with a sound discretion, and be very much modified by particular circumstances. That the apostolical direction, "be not unequally yoked together with unbelievers," is the advice of the Lord by the apostle, and is to be observed carefully in all cases, as far as practicable, is true. But like other divine injunctions, it must be applied in all cases with due consideration of circumstances. It is not, therefore, in the circumstances stated in the Overture, to be regarded as sinful universally and necessarily for a Christian to marry a heathen; nor is a Christian to be subjected to discipline on this account, unless the circumstances show criminality and require the infliction of censure, of which circumstances the missionaries are the best judges. [The Overture was] referred back to the Presbytery of Ningpo.—1850, pp. 458, 482, O. S.

IV. Marriage ought not to be within the degree of consanguinity or affinity forbidden in the Word; nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as those persons may live together as man and wife.

Prior to 1887, Sec. iv, Chap. xxiv, read:

Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the Word; nor can such incestuous marriages ever be made lawful by any law of man or consent of parties so as those persons may live together as man and wife. The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own.

In that year the following amendment was adopted:

Whereas, One hundred and fifty-six (156) Presbyteries, being more than two-thirds of the Presbyteries under the care of the General Assembly, have, in writing, approved of an amendment to Chap. xxiv, Sec. iv, of of the Confession of Faith, by striking out the last period thereof; therefore, be it enacted by the General Assembly that the following words: "The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than her own," be and are hereby stricken from Chapter xxiv, Section iv, of the Confession of Faith.

[NOTE.—The section as amended was referred to a Committee to consider and report if any further action was necessary to accomplish the purpose aimed at. The Committee reported that the purpose aimed at in the amendment was "To remove any obstacles that may have existed to the marriage of a deceased wife's sister," and that in their judgment no further action by the Church was now needed—1887, p. 138.

For decisions, and deliverances under Sec. iv prior to its amendment, see under Directory for Worship, *Digest* of 1886, pp. 814–818. The following case does not come under the intent of the amendment.]

1. Marriage with a sister's daughter.

The Report of the Committee on Bills and Overtures in answer to the two questions, "May a man, in accordance with the teachings of the Scriptures, marry a daughter of his own sister?" and "When members of the Church have contracted such a marriage, may they still retain their standing in the Church?" was taken up for consideration.

Resolved, 1. That the first question be answered in the negative, such marriages being evidently contrary to the teachings of the Scripture, and incestuous. See Lev. 18: 6, 12, 13.

Resolved, 2. That the second question in the Overture be answered as follows, viz., in the judgment of this Assembly, such a connection as is contemplated by the Overture demands the judicial action of the Church and, if not repented of, should incur Church censure.—1853, p. 339, N.S.

V. Adultery or fornication, committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce, and after the divorce to marry another, as if the offending party were dead.

1. In divorce for adultery the innocent party may marry again.

The following Question, referred to Synod by the Presbytery of Donegal for their decision, was brought in by the Committee of Overtures, viz.:

Whether, on full proof of adultery by one party, the Presbytery has a right to declare the marriage so far void as that the innocent party may marry again without being liable to Church censure?

And after some time spent in debating the case, it was moved and agreed that each member should speak to the question in the order of the roll. After which the vote was put, and the Question carried in the affirmative, by a small majority.—1785, p. 509.

VI. Although the corruption of man be such as is apt to study arguments, unduly to put asunder those whom God hath joined together in marriage; yet nothing but adultery, or such willful desertion as can no way be remedied by the Church or civil magistrate, is cause sufficient of dissolving the bond of marriage: wherein a public and orderly course of proceeding is to be observed; and the persons concerned in it not left to their own wills and discretion in their own case.

1. Marriage with a woman divorced for cause other than adultery.

[The Assembly by a vote of 106 to 52, sustained the *Complaint* of the Presbytery of Des Moines, in the case of Rev. James H. Shields. The Minute adopted states the case—]

In the year 1853, Maria C. Cowles presented a Petition under oath to the District Court of Wayne county, Iowa, praying for a divorce from her husband, William A. Cowles, in which it was stated substantially, that she had been lawfully married to said Cowles in January, 1839, in the State of Massachusetts; that they had lived together there until August, 1851, when she separated herself from him, and proceeded to Iowa, where she has since resided. That, previous to her departing from him in 1851, her husband was in the habit of becoming intoxicated, and when so intoxicated, was ill-natured and abusive—so much so that her situation as his wife became intolerable; and she had been under the necessity of leaving his house, and of making her own living since that time, the defendant having neglected to make provision for her support since the period of her separation from him. No pertinent proof of the truth of these allegations was made; but the court, notwithstanding, granted her a divorce *a vinculo matrimonii*; when James H. Shields, then a member of the Presbytery of Des Moines, being cognizant of all the facts in the case, was married to the said Maria C. Cowles, and has continued to cohabit with her as his wife. In April, 1856, the Presbytery instituted proceedings against him for adultery, and finally convicted him of that offense, and deposed him from the ministry and excommunicated him from the Church. Thereupon the said Shields appealed to the Synod of Iowa, who reversed the decision of Presbytery. The case is before this General Assembly on a Complaint of the Rev. Thompson Bird, on behalf of the Presbytery, against the action of Synod.

In view of all the testimony brought before the Assembly, the Complaint is sustained.

It has not been made to appear that the said Maria C. Cowles attempted to establish the fact of *adultery* against her husband, William A. Cowles. Neither has there been proved "*such willful desertion*" on his part, "*as can no way be remedied by the Church or civil magistrate*," as is recognized in the Confession of Faith (Chap. xxiv, Sec. vi), as "*cause sufficient of dissolving the bond of marriage*."

The General Assembly do, therefore, consider that said James H. Shields was properly convicted of adultery; and the decision of the Synod of Iowa in this case is hereby reversed, and the judgment of the Presbytery of Des Moines therein confirmed.

The Assembly, whilst rendering this decision, takes occasion to call the attention of the churches under its care to a tendency, manifest in some portions of our country, to relax the sacredness of the marriage tie. Lying, as the institution of marriage does, at the very foundation of order, purity and prosperity in the State and in the Church, the Assembly cannot view without abhorrence any attempt to diminish its sanctity or to extend beyond the warrant of the Holy Scriptures the grounds of divorce.—1858, pp. 599, 600, N. S.

2. Marriage on a divorce obtained on other than Scriptural grounds.

The Assembly resumed the consideration of the *Appeal* of the Rev. George Sheldon.

The original parties having been fully heard, the roll was called, and opportunity was given to the members of the Assembly to express their opinions on the case. After which the final vote was taken, and the Appeal was not sustained, nineteen voting in the affirmative, and fifty-four in the negative.—1858, p. 607, N. S.

[Mr. Sheldon was deposed by the Presbytery of Portage, on the ground of adultery, in having married a second wife during the life of his first wife, from whom he had obtained a divorce in the civil courts, in the judgment of the Presbytery on other than Scriptural grounds. From the decision of the Presbytery he took an Appeal to the Synod of the Western Reserve. The Synod decided as follows, viz.:

After a full and patient hearing of the whole case of Appeal by George Sheldon, from the Presbytery of Portage, the Synod are constrained to believe that the decision of the Presbytery was just; and that the Presbytery conducted the case with as much order and tenderness as the inherent difficulties of the case would admit.]

In view of the whole case:

Resolved, That the decision of the Presbytery of Portage be sustained. —1858, p. 607, N. S.

3. Deliverance on marriage, divorce, and infanticide.

a. *Overture No. 44*, relating to unscriptural views of marriage, divorce, and infanticide. The Committee recommends the following, which was adopted:

The Committee on Bills and Overtures, to which was referred the Paper relating to divorce and infanticide, begs to report that it recommends the adoption of the following:

That it is with great pain we are constrained to admit the increasing prevalence in many parts of our country of unscriptural views of the marriage relation, in consequence of which the obligations of that relation are disregarded by many, and separations of husband and wife and divorces for slight and unwarrantable reasons are becoming more frequent every year. Nor can we shut our eyes to the fact that the horrible crime of infanticide, especially in the form of destruction by parents of their own offspring before birth, also prevails to an alarming extent. The evils which these errors and crimes have already brought upon our country and the worse evils which they threaten in the near future, make it imperative, as we believe, that the whole power of the ministry and Church of Jesus Christ should be put forth in maintenance of the truth and of virtue in regard to these things. Many causes have operated to produce a corruption of the public morals so deplorable, prominent among which may be mentioned the facility with which divorces may be obtained in some of the States, the constant promulgation of false ideas of marriage and its duties by means of books, lectures, etc., and the distribution through the mails of impure publications. But an influence not less powerful than any of these is the growing devotion to fashion and luxury of this age, and the idea which practically obtains to so great an extent that pleasure, instead of the glory of God and the enjoyment of his favor, is the great object of life. It is, therefore, the duty of the Church of Christ to oppose in every practicable way, these and all other corrupting agencies and tendencies, and we especially urge upon all ministers of the Gospel the duty of giving instruction to the people of their respective charges as to the Scriptural doctrine concerning the marriage relation. We warn them against joining in wedlock any who may have been divorced upon other than Scriptural grounds. We also enjoin upon church Sessions the exercise of due discipline in the cases of those members who may be guilty of violating the law of Christ in this particular.

This Assembly regards the destruction by parents of their own offspring before birth with abhorrence, as a crime against God and against nature; and as the frequency of such murders can no longer be concealed, we hereby warn those that are guilty of this crime that, except they repent, they cannot inherit eternal life. We also exhort those who have been called to preach the Gospel, and all who love purity and the truth, and who would avert the just judgments of Almighty God from the nation, that they be no longer silent or tolerant of these things, but that they endeavor by all proper means to stay the floods of impurity and cruelty.

We call upon all to remember that marriage is honorable not only in itself, but in its ends. Therefore all who seek to avoid the responsibilities and cares connected with the bringing up of children not only deprive themselves of one of the greatest blessings of life, and fly in the face of God's decrees, but do violence to their own natures, and will be found out of their sins even in this world.—1869, p. 937, O. S.

b. From the Presbytery of Cleveland on divorce. Recommending that the Assembly refer, in reply, to the deliverances already made in full on the subject, as published in the *Digest* [1873], pp. 494, 682, 683.—1874, p. 26.

c. The following resolution was adopted:

Whereas, The preservation of the marriage relation as an ordinance of God is essential to social order, morality and religion; and,

Whereas, That relation, in the popular mind, is shorn of its divine sanctions, to such an extent, that, not only are its sacred bonds often sundered for insufficient and trifling reasons, but the action of the civil courts, and the divorce laws in many of the States, are in direct contravention of the law of God; therefore be it

Resolved, That the General Assembly hereby bears testimony against this immorality, and earnestly advises the churches and Presbyteries under its care to use all proper measures to correct this widespread evil. —1883, p. 689; 1885, p. 639.

4. Appointment of Committee of Conference with the Protestant Episcopal and other Churches.

Papers Nos. 30 and *31*, with regard to Divorce and Remarriage. One of these is a communication from the Committee of the General Convention of the Protestant Episcopal Church, making request for the appointment of a similar Committee to confer upon the subject of divorce and remarriage. There have also been placed in our hands *Overtures Nos. 32–34*, from the Presbyteries of Baltimore, Washington, and Mattoon, on the same subject. We recommend the adoption of the following resolutions:

Resolved, 1. That in response to the fraternal request of the Committee of the Protestant Episcopal Church, this General Assembly of the Presbyterian Church in the United States of America appoints a Committee of nine persons, five ministers and four elders, to confer with the Committee of the Protestant Episcopal Church, and with similar Committees that may be created by other Churches, with a view of securing some concerted opinion and action by the Churches of America relative to divorce and remarriage, and so to affect public opinion that uniform legislation may be enacted by the State that will conserve the family institution, and preserve the sanctity of the marriage bond.

Resolved, 2. Relative to that part of the Overtures from the Presbyteries of Washington and Baltimore, which ask that constitutional steps be taken to amend Chap. xxiv, Sec. vi of the Confession of Faith, so that the clause "and such wilful desertion as can in no way be remedied by the Church or civil magistrates" be stricken out; the Committee recommends that since the General Assembly has authorized the appointment of a Committee to confer with the Committees of other Churches in America on this subject, looking to some concerted action, it would not be advisable to take up the question of altering our own Constitution until this Committee has reported.—1902, p. 126.

5. Ministers to ascertain if impediments exist.

Resolved, 3. That this General Assembly, viewing with sad apprehension the many perils to family life in our time, the growing ease and frequency of divorces upon grounds trivial and unscriptural, urges upon all our people the promotion of a wider reverence for the marriage bond; and requires of all our ministers that they instruct their people in public and private of the sacredness of this divine institution, and that they exercise due diligence before the celebration of a marriage to ascertain that there exist no impediments thereto, as defined in our Confession of Faith.—1902, p. 126.

6. Uniformity of legislation desirable.

Resolved, 1. That this General Assembly approves the action of its Committee, in conference with the representatives of other Churches, as submitted in the foregoing Report.

Resolved, 2. That this General Assembly favors every lawful endeavor to correct the evils of lax legislation regarding the subjects of divorce and remarriage, and to secure such uniformity of legislation thereon as may best promote the purity of society.—1903, p. 140.

7. Action of civil authorities and of Inter-Church Conference approved.

Resolved, 3. That this Assembly rejoices in the commendable action of the President, of Congress, and of judges, Federal and State, who strive to execute the best existing laws, and to secure the best conditions.

Resolved, 4. That the Appeal of the Inter-Church Conference is approved and commended.—1905, p. 76.

8. Campaign of education approved. Previous deliverances reaffirmed.

Resolved, 1. That this General Assembly rejoices in the greatly awakened interest on the part of the Churches and the public in the important subject of marriage and divorce, and heartily approves of the campaign of education for the influencing of public opinion proposed by the Inter-Church Conference on Federation, as the most effectual way to meet and overcome the divorce evil, to guard the sanctity of the marriage relation, to preserve the family, and to secure the highest welfare of the State.

Resolved, 2. That this General Assembly hereby reaffirms the deliverances upon divorce, and remarriage after divorce, adopted by previous General Assemblies.—1906, p. 229.

9. Coöperation urged as to divorce laws.

1. The General Assembly again enjoins all ministers under its care and authority to refuse to perform the marriage ceremony in the cases of divorced persons, except as such persons have been divorced upon grounds and for causes recognized as Scriptural in the Standards of our Church.

2. The appeal and address affixed to the Report of this Special Committee on divorce and marriage is hereby endorsed by this General Assembly, and commended to the consideration of all our ministers and congregations. The Stated Clerk is instructed to issue it in such form and to such extent as may seem desirable and expedient, and it is requested that it be read by pastors from their pulpits on some appropriate Sabbath.

3. The Stated Clerk is hereby instructed to call the special attention of Presbyteries to the action of the General Assembly regarding the marriage of divorced persons, and to request the Presbyteries to exercise such needful oversight and discipline as may be required to secure the enforcement of existing laws and obedience to the injunctions of the General Assembly.

4. The Committee on Marriage and Divorce is hereby continued, and instructed to coöperate with the representatives of other Churches in endeavoring to obtain such ecclesiastical unity, such compliance with the laws now in force, and such State or National legislation, as may shield both Church and State from existing and impending perils.—1904, p. 75.

10. Rules as to remarriage of divorced persons.

a. Scriptural causes only to be recognized.

Resolved, 3. That this General Assembly hereby enjoins all ministers under its care and authority to refuse to perform the marriage ceremony in the cases of divorced persons, except as such persons have been divorced upon grounds and for causes recognized as Scriptural in the Standards of the Presbyterian Church in the United States of America.—1903, pp. 89, 140.

b. Rules of other denominations to be given due weight.

5. That, recognizing the comity which should exist between Churches represented in the Inter-Church Conference, acknowledging, as they do, the law of Christ alone as supreme, we advise each minister under the

authority of this Assembly to refuse to unite in marriage any member of any such Church whose marriage is known to such minister to be prohibited by the laws of the Church in which such person holds membership, unless such minister believes that in the peculiar circumstances of a given case his refusal would do injustice to an innocent person who has been divorced for Scriptural reasons.—1904, p. 75.

c. Only innocent parties after lapse of one year to be remarried.

Resolved, 1. That this Assembly repeats the action taken last year at Buffalo, and enjoins its Presbyteries, its ministers, elders, and members, to adhere strictly to our Standards regarding marriage, divorce, and remarriage.

Resolved, 2. That we approve the action of the Inter-Church Conference, and recommend "that ministers should refuse to marry divorced persons, except the innocent party in a case where the divorce has been granted on Scriptural grounds, nor then until assured that a period of one year has elapsed from the date of the decision allowing the divorce."—1905, p. 76.

11. Findings of Commission on marriage, divorce, and remarriage.

1. That this Commission through General Assembly urges our Board of Christian Education to coöperate with the Federal Council's Committee on "Religion and the Home," and the International Council of Religious Education in their educational programs.

2. That the plan for denominational and interdenominational conferences of ministers and Christian educators on marriage and the home be commended, and our churches urged to give all possible cooperation, especially commending such action to Synods and Presbyteries.

3. That the Presbyterian Ministry be urged to preach a series of sermons on the themes, Love, Marriage, and the Christian Home, and allied subjects during this church year.

4. That the General Assembly appropriate a sum sufficient to pay our share—not to exceed $1,500.00—of the salary of a full-time research secretary for the period of one year, provided that enough other denominations do likewise.

5. That the Commission be authorized to join with other denominations in a request to some Foundation for thorough-going research into this problem.

6. That the Commission be empowered to proceed with the publication of a Symposium on marriage, including in such a Symposium the best statements on this subject in the field of current literature, provided such Symposium can be financed without cost to the General Assembly.

7. The Commission recommends for consideration by the Church at large the following definition of marriage:

Marriage is an institution ordained of God for the honor and happiness of mankind, in which one man and one woman enter into a bodily and spiritual union, pledging each to the other mutual love, honor, fidelity, forbearance and comradeship, such as should assure an unbroken continuance of their wedlock so long as both shall live. This institution finds its primary justification in the establishment and maintenance in the Christian home in which children shall be born and nurtured in the Christian faith. On the side of civil government, the church recognizes marriage as a legal contract involving the moral obligations of Christian citizenship.

We do not ask for its adoption, but merely for its thoughtful study. The Commission should like to have the reaction of the Assembly members, of the ministry and laity of the church at large, and asks that it be expressed in writing to Dr. Johnston of the Commission.

8. The Commission recommends that its membership be enlarged from eleven (11) to fifteen (15) members, giving the Moderator opportunity, in his judgment, to add two men and two women, among whom shall be one Physician, one Social Worker and one Psychiatrist.

9. The Commission recommends that it be reappointed for the term of one year, and that it be free to carry its study and research further, and that its modest expenses be borne as this year by the General Assembly.—1930, p. 99. (For Report in full of Commission, see Min. G. A., 1930, pp. 74–100.)

CHAPTER XXV.

OF THE CHURCH.

I. The catholic or universal Church, which is invisible, consists of the whole number of the elect, that have been, are, or shall be gathered into one, under Christ the head thereof; and is the spouse, the body, the fullness of him that filleth all in all.

II. The visible Church, which is also catholic or universal under the gospel (not confined to one nation, as before under the law), consists of all those throughout the world, that profess the true religion, together with their children; and is the kingdom of the Lord Jesus Christ, the house and family of God, out of which there is no ordinary possibility of salvation.

III. Unto this catholic visible Church, Christ hath given the ministry, oracles, and ordinances of God, for the gathering and perfecting of the saints, in this life, to the end of the world: and doth by his own presence and Spirit, according to his promise, make them effectual thereunto.

IV. This catholic Church hath been sometimes more, sometimes less, visible. And particular churches, which are members thereof, are more or less pure, according as the doctrine of the gospel is taught and embraced, ordinances administered, and public worship performed more or less purely in them.

V. The purest churches under heaven are subject both to mixture and error: and some have so degenerated, as to become no churches of Christ, but synagogues of Satan. Nevertheless, there shall be always a Church on earth, to worship God according to his will.

VI. The Lord Jesus Christ is the only head of the Church, and the claim of any man to be the vicar of Christ and the head of the Church, is unscriptural, without warrant in fact, and is a usurpation dishonoring to the Lord Jesus Christ.

1. The Roman Catholic Church essentially apostate.

Resolved, That this Assembly, in full accordance with the words of our Confession of Faith respecting the Church of Rome and its so-called spiritual head, do now reaffirm the deliverance, upon this subject, of the Assembly of 1835, as applying to that Roman hierarchy headed by the pope, falsely claiming to be the Church; which, opposed absolutely and irreconcilably to the doctrines of Holy Scripture, is corrupting and degrading a large part of Christ's Church over which it has usurped supreme control.—1879, p. 630.

The deliverance (of 1835) referred to is as follows:

1. *Resolved,* That it is the deliberate and decided judgment of this Assembly that the Roman Catholic Church has essentially apostatized from the religion of our Lord and Saviour Jesus Christ, and therefore cannot be recognized as a Christian Church.

2. *Resolved,* That it is to be recommended to all our communion to endeavor, by the diffusion of light by means of the pulpit and the press, and all other proper and Christian means, to resist the extension of Romanism, and lead its subjects to the knowledge of the truth as it is taught in the Word of God.

3. *Resolved,* That it is utterly inconsistent with the strongest obligations of Christian parents to place their children for education in Roman Catholic seminaries.—1835, p. 490.

2. The Salvation Army not a Church.

Overture on the recognition of the Salvation Army as a Church, from the Presbytery of Denver. It is recommended that the Assembly recognize with thankfulness the work done by the Salvation Army. But as they make no claim to be a Church, no action is necessary.—1895, p. 76.

3. Declaration of principles as to Church unity.

a. All believers in Christ constitute one body, mystical, yet real, and destined to grow into the fullness of Him who filleth all in all.

b. The universal visible Church consists of all those throughout the world who profess the true religion, together with their children.

c. Mutual recognition and reciprocity between the different bodies who profess the true religion is the first and essential step towards practical Church unity.—1887, p. 133; 1894, p. 29.

CHAPTER XXVI.

OF THE COMMUNION OF SAINTS.

I. All saints that are united to Jesus Christ their head, by his Spirit and by faith, have fellowship with him in his graces, sufferings, death, resurrection, and glory: and, being united to one another in love, they have communion in each other's gifts and graces; and are obliged to the performance of such duties, public and private, as do conduce to their mutual good, both in the inward and outward man.

II. Saints, by profession, are bound to maintain an holy fellowship and communion in the worship of God, and in performing such other spiritual services as tend to their mutual edification; as also in relieving each other in outward things, according to their several abilities and necessities. Which communion, as God offereth opportunity, is to be extended unto all those, who, in every place, call upon the name of the Lord Jesus.

III. This communion which the saints have with Christ, doth not make them in any wise partakers of the substance of his Godhead, or to be equal with Christ in any respect: either of which to affirm, is impious and blasphemous. Nor doth their communion one with another, as saints, take away, or infringe the title or property which each man hath in his goods and possessions.

CHAPTER XXVII.

OF THE SACRAMENTS.

I. Sacraments are holy signs and seals of the covenant of grace, immediately instituted by God, to represent Christ and his benefits, and to confirm our interest in him: as also to put a visible difference between those that belong unto the Church, and the rest of the world; and solemnly to engage them to the service of God in Christ, according to his Word.

II. There is in every Sacrament a spiritual relation, or sacramental union, between the sign and the thing signified; whence it comes to pass, that the names and effects of the one are attributed to the other.

III. The grace which is exhibited in or by the Sacraments, rightly used, is not conferred by any power in them; neither doth the efficacy of a Sacrament depend upon the piety or intention of him that doth administer it, but upon the work of the Spirit, and the word of institution which contains, together with a precept authorizing the use thereof, a promise of benefit to worthy receivers.

IV. There be only two Sacraments ordained by Christ our Lord in the gospel, that is to say, Baptism and the Supper of the Lord: neither of which may be dispensed by any, but by a minister of the Word, lawfully ordained.

[Note.—See this *Digest*, Vol. I, Directory for Worship, Chap. viii, Sec. i.]

1. Ruling elders cannot administer the sacraments.

Overture No. 243, from the Presbytery of Winnebago, asking that ruling elders be authorized to administer the sacraments when necessary. It is recommended that the request be not granted.—1906, p. 196.

[NOTE.—See Chap. xxviii, Sec. ii, below.]

V. The Sacraments of the Old Testament, in regard of the spiritual things thereby signified and exhibited, were, for substance, the same with those of the New.

CHAPTER XXVIII.

OF BAPTISM.

I. Baptism is a Sacrament of the New Testament, ordained by Jesus Christ, not only for the solemn admission of the party baptized into the visible Church, but also to be unto him a sign and seal of the covenant of grace, of his ingrafting into Christ, of regeneration, of remission of sins, and of his giving up unto God, through Jesus Christ, to walk in newness of life: which Sacrament is, by Christ's own appointment, to be continued in his Church until the end of the world.

II. The outward element to be used in this Sacrament is water, wherewith the party is to be baptized in the name of the Father, and of the Son, and of the Holy Ghost, by a minister of the gospel, lawfully called thereunto.

1. Ruling elders may not administer sealing ordinances.

Overture from the Presbytery of Peoria on the authority of ruling elders to administer sealing ordinances. The Committee recommend that they be referred to the Standards, Directory for Worship, Chap. viii, Sec. i, and Chap. ix, throughout.—1870, p. 22.

2. Baptism by an impostor null and invalid.

Whereas, A certain person pretending at Egg Harbor to be a minister regularly ordained among the Presbyterians, under that character baptized some adults and infants, and it appearing to the Synod that his pretenses were false, having at that time no license or ordination, it is our opinion that all the Gospel ordinances he administered under that false and pretended character are null and invalid.—1752, p. 249.

3. By a profligate.—Cases to be judged of by the Session.

The following Question was proposed by the Committee of Overtures, viz.:

Ought such persons to be rebaptized as have been offered in baptism by notoriously profligate parents, and baptized by ministers of the same description?

Resolved, That it is a principle of the Church that the unworthiness of the ministers of the Gospel does not invalidate the ordinances of religion dispensed by them. It is also a principle that as long as any denomination of Christians is acknowledged by us a Church of Christ, we ought to hold the ordinances dispensed by it as valid, notwithstanding the unworthiness of particular ministers. Yet, inasmuch as no general rule can be made to embrace all circumstances, there may be irregularities in particular administrations by men not yet divested of their office, either in this or in other Churches, which may render them null and void. But as these irregularities must often result from circumstances and situations that cannot be anticipated and pointed out in the rule, they must be left to be judged of by the prudence and wisdom of church Sessions and the higher judicatories to which they may be referred. In such cases, it may be advisable to administer the ordinance of baptism in a regular manner, where a profane exhibition of the ceremony may have been attempted. These cases and circumstances, however, are to be inquired into by the church Sessions, and referred to a Presbytery before a final decision.—1790, p. 26.

4. Unitarian baptism.

A person who had been baptized in infancy by Dr. Priestly applied for admission to the Lord's table. Should the baptism administered by Dr. Priestly, then a Unitarian, be considered valid?

Resolved, That this question be answered in the negative.

In the present state of our country, whilst Unitarian errors in various forms are making their insidious approaches; whilst the advocates of this heresy in many cases are practicing a system of concealment, and insinuating themselves into the confidence of multitudes who have no suspicion of their defection from the faith, the Assembly feel it to be their duty to speak without reserve.

It is the deliberate and unanimous opinion of this Assembly that those who renounce the fundamental doctrine of the Trinity, and deny that Jesus Christ is the same in substance, equal in power and glory with the Father, cannot be recognized as ministers of the Gospel; and that their ministrations are wholly invalid.—1814, p. 549.

5. By a minister after he is deposed.

A Reference from the Presbytery of Hudson, requesting of the Assembly an answer of the following question, was received and read, viz.:

Is baptism administered by a minister after he is deposed from office valid?

Resolved, That in answer to this question, the Presbytery be referred to Chap. vii [viii], Sec. i, of the Directory for Public Worship.—1819, p. 701.

6. By a suspended minister.

The following *Overture* was presented by the Committee of Overtures, viz.: "Can a Presbytery consistently acknowledge as valid the ordinance of baptism as administered by those who are regularly suspended by a higher judicatory of the Church?

"If not, how are we to regard the baptism of the Cumberland Presbyterians?"

The Assembly resumed the consideration of the Report of the Committee on the Overture respecting the Cumberland Presbyterians. After considerable discussion, the Report of the Committee was adopted, and is as follows, viz.:

1. That in the opinion of this Assembly, ministers of the Presbyterian Church, when regularly suspended by the competent judicatories, have no right to exercise the functions of a minister during that suspension.

2. That while those persons styling themselves the Cumberland Presbytery were under suspension, their administrations are to be considered as invalid; but after the General Assembly have declared them to be no longer connected with our Church, their administrations are to be viewed in the same light with those of other denominations not connected with our body. This decision is grounded on the opinion that the Act of the Assembly of 1814 precluded the propriety of deposition, or any other process in the case.—1825, pp. 145, 156.

7. The question, Is Baptism in the Church of Rome valid? answered in the negative.

a. The Question presented to this Assembly by *Overture* from the Presbytery of Ohio, "*Is baptism in the Church of Rome valid*" is one of a very grave character and of deep practical importance. The answer to it must involve principles vital to the peace, the purity and the stability of the Church of God.

After a full discussion carried through several days, this Assembly has decided, by a nearly unanimous vote [173 yeas to 8 nays], that *baptism so administered is not valid.*

b. Because, since baptism is an ordinance established by Christ in his Church (Form of Government, Chap. vii; Matt. 28:19, 20), and is to be administered only by a minister of Christ, duly called and ordained to be a steward of the mysteries of God (Directory, Chap. viii, Sec. i), it follows that no rite administered by one who is not himself a duly ordained minister of the true Church of God visible, can be regarded as an ordinance of Christ, whatever be the name by which it is called, whatever the form employed in its administration. The so-called priests of the Romish communion are not ministers of Christ, for they are commissioned as agents of the papal hierarchy, which is not a Church of Christ, but the Man of Sin, apostate from the truth, the enemy of righteousness and of God. She has long lain under the curse of God, who has called his people to come out from her, that they be not partakers of her plagues.

In 1835 the Assembly declared the Papacy to be apostate from Christ, and no true Church. As we do not recognize her as a portion of the visible Church of Christ, we cannot, consistently, view her priesthood as other than usurpers of the sacred functions of the ministry, her ordinances as unscriptural, and her baptism as totally invalid.—1845, pp. 15, 34, O. S.

[Note.—For the whole deliverance assigning the reasons for the decision of the Assembly, see *Digest*, 1886, pp. 789–792.]

c. Your Committee are of opinion that you cannot [regard Roman Catholic Baptism as valid], and we therefore recommend that you answer the interrogatory of the memorialists in the negative. Notwithstanding this, each Church Session must decide for itself what shall be done in each particular case that may come before them, as no absolute rule can be laid down which will meet the peculiarities of each case.—1876, p. 23. C. P.

8. The deliverance of 1845 reaffirmed.

Overture from the Presbytery of Tuscaloosa, asking whether the ordinance of baptism ought to be administered to a person before reception into our Church who presents a certificate of good and regular standing in the New School Presbyterian Church, but who has received only Roman Catholic baptism.

The Committee answer that the mere fact that a person has been a member of another Church has nothing to do with his original baptism. The memorialists are referred to the action of the Assembly in 1845. —1859, p. 535, O. S.

9. The question of rebaptism of a convert from Romanism left to the judgment of the Session.

The Committee on Bills and Overtures further reported as follows:

No. 11. From the Presbytery of Genesee, asking a deliverance on the question, "Should a convert from Romanism, applying for admission into the Presbyterian Church, be again baptized?" to which they recommend the following answer be given: That the decision of the question be left to the judgment of each church Session, guided by the principles governing the subject of baptism, as laid down in the Standards of our Church.—1875, p. 514.

10. The above deliverance sustained.

The Judicial Committee presented the following, which was unanimously adopted:

Judicial Case No. 1.—An Appeal of Elder Walter Bradshaw from the Synod of New York.

Statement of the Case.—The Session of Princetown church declined to recognize the validity of Roman Catholic baptism, and required a candidate, Mr. Edward Francis Graham, for admission to the Church, who was a Roman Catholic, to be baptized. Mr. Bradshaw, an elder of the Princetown church Session, complained to the Presbytery of Albany, upon the ground that Roman Catholic baptism was recognized by the Church as valid, and that an applicant for the privileges of the communion of the Church should not be rebaptized.

The Presbytery of Albany declined to entertain the Complaint of Mr. Bradshaw on the grounds "that the Presbyterian Church has given no judicial decision upon the subject of the validity of Roman Catholic baptism, and has by the deliverances of the General Assembly (*Minutes*, 1875, p. 514) left the decision of the validity of Roman Catholic baptism to the judgment of Sessions."

Mr. Bradshaw appealed from this decision of the Presbytery of Albany to the Synod of New York, on the grounds that the Presbytery had refused to consider the question of the validity of Roman Catholic baptism, and had dismissed the Complaint, basing their action upon the deliverance of the Assembly, leaving the question of validity to Sessions. The Synod of New York, acting under Sec. 99 of the revised Book of Discipline, declined to entertain Mr. Bradshaw's Appeal and Complaint, and directed the fact to be recorded that its decision was unanimous.

From this decision of the Synod, Mr. Bradshaw appeals to this General Assembly, on the grounds that Roman Catholic baptism is valid, and that it was unconstitutional for the Session to require the applicant to be rebaptized. Your Committee can discover no reasons for opening this question, and being convinced that the Synod of New York had good and sufficient reasons for declining to entertain the Complaint of Mr. Bradshaw, and further persuaded that these reasons should likewise prevail with this General Assembly—viz., that the deliverances of the General Assembly have left with Sessions the right to decide upon the validity of Roman Catholic baptism in particular cases, and that the Princetown church acted upon such deliverances—your Committee recommends that the Appeal and Complaint of Mr. Bradshaw against the action of the Synod of New York be not entertained.—1885, pp. 593, 594.

[NOTE.—See also this *Digest*, Vol. I, Directory for Worship, Chap. viii, Sec. iii.]

11. The Assembly declines to make a new deliverance on the validity of Roman Catholic baptism.

The Committee appointed by the Assembly of 1876, and continued (with certain changes) by the Assembly of 1877, to "consider and report upon the validity of Roman Catholic baptism," respectfully recommend the following for adoption by this General Assembly:

Resolved, That it is inexpedient for this Assembly to make any new deliverance on this subject.—1878, p. 23.

12. An excommunicated member, if restored, is not to be rebaptized.

A Question by the Presbytery of Holston, whether the excommunication of a church member vitiates his baptism, and, on being restored, shall he be rebaptized? Both questions answered in the negative.—1881, p. 586.

III. Dipping of the person into the water is not necessary; but Baptism is rightly administered by pouring or sprinkling water upon the person.

1. Mode of baptism.

Is it expedient in the present state of the Church, for a Presbyterian minister to baptize by immersion in any case?

The Confession of Faith, Chap. xxviii, Sec. iii, teaches as follows, viz.: Dipping of the person into the water is not necessary; but baptism is rightly administered by pouring or sprinkling of water upon the person. Your committee see no cause for adding anything to the doctrine of the Confession on this subject.—1834, p. 433.

2. Mode of baptism as prescribed in Confession of Faith to be accepted as final.

Paper No. 208, being a communication referred from the Assembly to the Committee, and requesting alterations in the phraseology of *Overture No. 6*, recently adopted by the Presbyteries as an amendment of Chapter VIII of the Directory for Worship. The chief alteration requested is the omission from the Chapter of the words connected with the baptism of adults, viz.: "by pouring or sprinkling water upon his head." It is recommended that the Assembly declare that the provision found in the Confession of Faith, Chap. xxvii, Sec. iii, is to be accepted as final as to the mode of baptism. The section reads: "Dipping of the person into the water is not necessary; but baptism is rightly administered by pouring or sprinkling water on the person."—1908, p. 220.

IV. Not only those that do actually profess faith in, and obedience unto Christ, but also the infants of one or both believing parents are to be baptized.

[NOTE.—See this *Digest*, Vol. I, Book of Discipline, Chap. i, Sec. 6, p. 553; and Directory for Worship, Chap. viii. Sec. ii, p. 816.]

1. The duty of Christian masters to have their servants baptized.

The following case of conscience from Donegal Presbytery was overtured, viz., whether Christian masters or mistresses ought, in duty, to have such children baptized as are under their care, though born of parents not in communion of any Christian Church. Upon this Overture Synod are of opinion that Christian masters and mistresses, whose religious professions and conduct are such as to give them a right to the ordinance of baptism for their own children, may and ought to dedicate the children of their household to God in that ordinance when they have no scruple of conscience to the contrary.—1786, p. 527.

2. Of Christian slaves to have their children baptized.

It was overtured whether Christian slaves, having children at the entire direction of unchristian masters, and not having it in their power to instruct them in religion, are bound to have them baptized, and whether a Gospel minister in this predicament ought to baptize them, and Synod determined the question in the affirmative.—1786, p. 527.

3. Infant slaves of Christian masters.

Ought baptism, on the profession and promise of the master, to be administered to the children of slaves?

1. It is the duty of masters who are members of the Church to present the children of parents in servitude to the ordinance of baptism, provided they are in a situation to train them up in the nurture and admonition of the Lord, thus securing to them the rich advantages which the Gospel provides.

2. It is the duty of Christ's ministers to inculcate this doctrine, and to baptize all children of this description when presented by their masters. —1816, p. 617.

4. Orphan children of heathen parents in the care of our missions.

[NOTE.—See this *Digest*, Vol. I, Directory for Worship, Chap. viii, Sec. ii, p. 817.]

V. Although it be a great sin to contemn or neglect this ordinance, yet grace and salvation are not inseparably annexed unto it, as that no person can be regenerated or saved without it, or that all that are baptized are undoubtedly regenerated.

VI. The efficacy of Baptism is not tied to that moment of time wherein it is administered; yet, notwithstanding, by the right use of this ordinance the grace promised is not only offered, but really exhibited and conferred by the Holy Ghost, to such (whether of age or infants) as that grace belongeth unto, according to the counsel of God's own will, in his appointed time.

VII. The Sacrament of Baptism is but once to be administered to any person.

1. Rebaptism disorderly.

Overture from the Presbytery of the Cherokee Nation, asking, "What is the standing of an elder or member of the Presbyterian Church, who becoming dissatisfied with his baptism by sprinkling, secures rebaptism by immersion, by one not a minister of the Presbyterian Church?"

Answer: The action is clearly disorderly and in violation of Chap. xxviii, Sec. vii, of the Confession of Faith. But as it concerns the mode, rather than the substance, of a sacrament, whether the act is to be regarded as disciplinable, must be determined by the Session, in the light of circumstances attending each particular case.

In the case of an elder, the Form of Government (Chap. xiii, Secs. vi, vii) makes it clear that in certain circumstances he should at least "cease to be an acting elder," and the Session should "take order on the subject."—1890, p. 46.

CHAPTER XXIX.

OF THE LORD'S SUPPER.

I. Our Lord Jesus, in the night wherein he was betrayed, instituted the Sacrament of his body and blood, called the Lord's Supper, to be observed in his Church unto the end of the world, for the perpetual remembrance of the sacrifice of himself in his death, the sealing all benefits thereof unto true believers, their spiritual nourishment and growth in him, their further engagement in, and to all duties which they owe unto him; and to be a bond and pledge of their communion with him, and with each other, as members of his mystical body.

[Note.—See for decisions and deliverances on the Lord's Supper, this *Digest*, Vol. I, Directory for Worship, Chap. ix, p. 821.]

[Note.—See for unanimous deliverance upon the personal institution of the Supper by our Lord, *Digest*, 1930, Vol. II, p. 324.]

II. In this Sacrament Christ is not offered up to his Father, nor any real sacrifice made at all for the remission of sins of the quick or dead; but only a commemoration of that once offering up of himself, by himself, upon the cross, once for all; and a spiritual oblation of all possible praise unto God for the same: so that the Popish sacrifice of the mass, as they call it, is most abominably injurious to Christ's one only sacrifice, the alone propitiation for all the sins of the elect.

III. The Lord Jesus hath, in this ordinance, appointed his ministers to declare his word of institution to the people, to pray, and bless the elements of bread and wine, and thereby to set them apart from a common to an holy use: and to take and break the bread, to take the cup, and (they communicating also themselves) to give both to the communicants; but to none who are not then present in the congregation.

[NOTE.—The Lord's Supper may be administered in a private house under certain circumstances. See this *Digest*, Vol. I, Directory for Worship, Chap. ix, Sec. i; 1863, p. 37, O. S.]

IV. Private masses, or receiving this Sacrament by a priest, or any other, alone; as likewise the denial of the cup to the people; worshiping the elements; the lifting them up, or carrying them about for adoration, and the reserving of them for any pretended religious use; are all contrary to the nature of this Sacrament, and to the institution of Christ.

V. The outward elements in this Sacrament, duly set apart to the uses ordained by Christ, have such relation to him crucified, as that truly, yet sacramentally only, they are sometimes called by the name of the things they represent, to wit, the body and blood of Christ; albeit, in substance and nature, they still remain truly, and only, bread and wine, as they were before.

VI. That doctrine which maintains a change of the substance of bread and wine, into the substance of Christ's body and blood (commonly called transubstantiation) by consecration of a priest, or by any other way, is repugnant, not to Scripture alone, but even to common sense and reason; overthroweth the nature of the Sacrament; and hath been, and is the cause of manifold superstitions, yea, of gross idolatries.

VII. Worthy receivers, outwardly partaking of the visible elements in this Sacrament, do then also inwardly by faith, really and indeed, yet not carnally and corporally, but spiritually, receive and feed upon Christ crucified, and all benefits of his death: the body and blood of Christ being then not corporally or carnally in, with, or under the bread and wine; yet as really, but spiritually, present to the faith of believers in that ordinance, as the elements themselves are to their outward senses.

VIII. Although ignorant and wicked men receive the outward elements in this Sacrament, yet they receive not the thing signified thereby; but by their unworthy coming thereunto are guilty of the body and blood of the Lord, to their own damnation. Wherefore all ignorant and ungodly persons, as they are unfit to enjoy communion with him, so are they unworthy of the Lord's Table, and cannot, without great sin against Christ, while they remain such, partake of these holy mysteries, or be admitted thereunto.

CHAPTER XXX.

OF CHURCH CENSURES.

I. The Lord Jesus, as king and head of his Church, hath herein appointed a government in the hand of church-officers, distinct from the civil magistrate.

II. To these officers the keys of the kingdom of heaven are committed, by virtue whereof they have power respectively to retain and remit sins, to shut that kingdom against the impenitent, both by the word and censures; and to open it unto penitent sinners, by the ministry of the gospel, and by absolution from censures, as occasion shall require.

III. Church censures are necessary for the reclaiming and gaining of offending brethren; for deterring of others from like offenses; for purging out that leaven which might infect the whole lump; for vindicating the honor of Christ, and the holy profession of the gospel; and for preventing the wrath of God, which might justly fall upon the Church, if they should suffer his covenant, and the seals thereof, to be profaned by notorious and obstinate offenders.

IV. For the better attaining of these ends, the officers of the Church are to proceed by admonition, suspension from the Sacrament of the Lord's Supper for a season, and by excommunication from the Church, according to the nature of the crime, and demerit of the person.

[NOTE.—For the censures which may be inflicted, see this *Digest*, Vol. I, Book of Discipline, Chap. v, Secs. 35 and 41; also Directory for Worship, Chap. xi, and Form of Government, Chap. viii, Sec. ii,; Chap. ix, Sec. vi.]

CHAPTER XXXI.

OF SYNODS AND COUNCILS.

I. For the better government and further edification of the Church, there ought to be such assemblies as are commonly called synods or councils: and it belongeth to the overseers and other rulers of the particular churches, by virtue of their office, and the power which Christ hath given them for edification and not for destruction, to appoint such assemblies; and to convene together in them, as often as they shall judge it expedient for the good of the Church.

[NOTE.—See this *Digest*, Vol. I, Form of Government, Chap. viii, Secs. i, ii; Chaps. ix–xii.]

II. It belongeth to synods and councils, ministerially, to determine controversies of faith, and cases of conscience; to set down rules and directions for the better ordering of the public worship of God, and government of his Church; to receive complaints in cases of mal-administration, and authoritatively to determine the same: which decrees and determinations, if consonant to the Word of God, are to be received with reverence and submission, not only for their agreement with the Word, but also for the power whereby they are made, as being an ordinance of God, appointed thereunto in his Word.

[NOTE.—See this *Digest*, Vol. I, Form of Government, Chap. i, Sec. vii and Chap. xii.]

1. Determinations of the higher judicatories to be received with reverence.

Synod of New Mexico. Exception to Records. That in the judgment of your Committee, if it is not disrespectful, it surely is not wise nor for the edification of the Church for any judicatory of the Church to spread upon its Minutes imputations of unfair and unjust dealings on the part of a superior judicatory, as appears on pages 40 and 41 of the Minutes of this Synod, with respect to the actions of this General Assembly.—1900, p. 156.

III. All synods or councils since the apostles' times, whether general or particular, may err, and many have erred; therefore they are not to be made the rule of faith or practice, but to be used as a help in both.

[NOTE.—See this *Digest*, Vol. I, Form of Government, Chap. i, Sec. vii.]

IV. Synods and councils are to handle or conclude nothing, but that which is ecclesiastical: and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate. (See F. of G., Chap. VIII.)

1. The spiritual character of the Church.

The following Paper, offered by Elder George H. Shields, was unanimously adopted by a rising vote:

Whereas, The Synod of Missouri, in connection with the General Assembly of the Presbyterian Church in the United States of America, at its meeting in Fulton, Mo., in October, 1886, unanimously adopted the following Paper and declaration of principles, to wit:

"It has come to the knowledge of this Synod that many brethren belonging to the Synod in connection with the General Assembly of the Presbyterian Church in the United States, are under a misapprehension with regard to the position of this body touching the spiritual or non-political character of the Church, and also touching the rights of individuals under the Constitution of the Church. Owing to this misapprehension, and to the continued separation of the two Synods, many of the congregations on both sides are greatly weakened, our educational institutions are partially paralyzed, and all of our interests are seriously crippled. With the hope of healing forever the breach between us, we once more affectionately extend the hand of fellowship to our separated brethren, and cheerfully reaffirm the action unanimously taken by this Synod in 1873, as follows:

"1. We affirm the spiritual character of the Church as separated from the kingdoms of this world, and, having no other head than the Lord Jesus Christ, as entitled to speak only where he has spoken, and to legislate only where he has legislated; we also recognize the rights of conscience, and the right of respectful protest on the part of the humblest member of the Presbyterian household of faith, and declare the obligation of all our judicatories to be subject to the authority and to follow the doctrines of our ecclesiastical Constitution.

"2. We distinctly and particularly affirm our belief in the following principles and statements found in our Standards, to wit: 'Synods and councils are to handle or conclude nothing but that which is ecclesiastical, and are not to intermeddle with civil affairs which concern the Commonwealth, unless by way of humble petition in cases extraordinary, or by way of advice for the satisfaction of conscience, if they be thereunto required by the civil magistrate' (Confession of Faith, Chap. xxxi, Sec. iv). 'That God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men, which are in anything contrary to his Word, or beside it in matters of faith or worship.' 'That all church power, whether exercised by the body in general, or in the way of representation by delegated authority, is only ministerial or declarative; *that is to say*, that the Holy Scriptures are the only rule of faith and manners, that no Church judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority, and that all their decisions should be founded upon the revealed will of God.' (Form of Government, Chap. i, Secs. i, vii); and that process against a Gospel minister should always be entered before the Presbytery of which he is a member (Book of Discipline, Secs. 18, 108).

"3. In order to give the strongest possible ground of confidence to those of our brethren in the other Synod, who desire organic union with us, we do hereby express confidence in the soundness of doctrine, and in the Christian character of these brethren, and cannot doubt that a more intimate communion would lead to the speedy removal of the barriers that now separate those of like precious faith, and to increased mutual affection and esteem."

Now, therefore, be it

Resolved, That this General Assembly heartily approves the action of the Synod of Missouri in adopting said Paper, and the declaration of principles therein set forth.—1887, pp. 26, 27; 1888, p. 147. See p. 344.

2. Judicial decision forbidding appointment of directors of a non-ecclesiastical organization.

The Permanent Judicial Commission, through its Chairman, Hon. W. E. Settle, also presented the Report of its preliminary judgment in *Judicial Case No. 4*, being the case of Rev. Calvin C. Todd vs. the Synod of South Dakota.

To the General Assembly of the Presbyterian Church in the U. S. A.:

The case of the Rev. Calvin C. Todd against the action of the Synod of South Dakota, at its session held at Huron, South Dakota, October 4, 1907, in recommending the reëlection of Synodical delegates for appointment as directors of the Anti-Saloon League, a non-ecclesiastical organization of the State of South Dakota, the same having been referred to the Permanent Judicial Commission for decision, came on for hearing, and was heard, on the 26th day of May, 1908, upon the Papers and the Records filed in the case, and upon argument by the parties for and against the Complaint. Present the complainant, in person, and the Synod by parties duly appointed to represent it. While the whole history of the Presbyterian Church shows that it believes in and encourages among its members, individually and collectively, the largest possible liberty of coöperation with and participation in any and every righteous movement, whether ecclesiastical or non-ecclesiastical, for the suppression and eradication of evil, including the absolute suppression and eradication of the saloon, an institution which by common Christian consent is regarded as an unspeakable menace to the Home, the Church and the State, the Permanent Judicial Commission, being fully advised in the premises, doth find that it is now, and always has been, the law and the custom of the Presbyterian Church in the U. S. A. that its judicatories shall not become officially connected with non-ecclesiastical bodies (see Confession of Faith, Chap. xxxi, Sec. iv; also *Minutes* of the General Assembly, 1848, p. 58; 1860, p. 621; 1873, p. 504; 1880, pp. 42 and 43; 1881, p. 551; 1891, p. 135; 1893, p. 86; 1899, p. 93; 1903, p. 160; 1906, pp. 177 and 801; 1907, pp. 138 and 227).

The Anti-Saloon League being admittedly a non-ecclesiastical body, the Judicial Commission further finds that, however commendable and proper the action complained of may have appeared to be, the same being contrary to the fundamental law of the Church and to the undeviating decisions of the General Assembly, the highest Court of the Church, the Complaint is well taken and must be and is hereby sustained.—1908, p. 203.

3. How secure representation in non-ecclesiastical organizations?

I. *Overture No. 107*, from the Synod of Indian Territory, on securing representation in organizations non-ecclesiastical, as follows:

The Synod of Indian Territory, having in mind the exception taken to its action in 1905 by the General Assembly of 1906 in the matter of appointment of representatives in certain non-ecclesiastical bodies (*Minutes* of the General Assembly of 1906, p. 234), respectfully asks that the General Assembly of 1907 make a deliverance on the subject of how we may secure representation in the organizations that are working for the uplifting of the people and in the warfare against vice and intemperance, when these bodies are not distinctly ecclesiastical in their connection or control.

Your Committee recommends the following action:

The General Assembly, while gratefully acknowledging all the great work done for righteousness and temperance by voluntary organizations outside of the Church, and especially commending the splendid achievements of the Anti-Saloon League, the National Temperance Society, the National Woman's Christian Temperance Union, and all like societies, in so far as their work is not inconsistent with the principles of the Christian religion, yet would reaffirm the fact that it has been the undeviating custom and policy of our Church to avoid official representation in non-ecclesiastical organizations, but to allow its members absolute liberty to work as individuals in such organizations, as indicated in the deliverance of the General Assembly of 1848 (see *Digest* of 1898, p. 628): "This General Assembly as a court of Jesus Christ cannot league itself with any voluntary society; these societies must appeal not to Church courts but to Church members" (see also the deliverances of the General Assembly of 1860, 1873, 1880, 1881, 1891, 1906). *Provided*, however, that Synods and Presbyteries may coöperate with other ecclesiastical bodies in seeking such legislation on the Sabbath question, marriage and divorce, saloon suppression, and such other questions as the Church has declared herself upon, without violating the spirit of our Constitution (see Confession of Faith, Chap. xxxi, Sec. iv).

II. To your Committee were referred such parts of *Overtures Nos. 102* to *106* as have reference to the matter of affiliation between the Church and all voluntary temperance societies. The Committee is of the opinion that a sufficient answer has been given in its answer to *Overture 107*.—1907, p. 227.

4. Board of Christian Education authorized to elect Managers of Lord's Day Alliance.

That the General Assembly warmly commends the Lord's Day Alliance of the United States for its practical and successful service and earnestly requests the churches to give the Alliance and its auxiliary societies substantial moral and financial support.

1. That there be close coöperation between the Department of Moral Welfare of the Board of Christian Education and the Lord's Day Alliance of the United States.

2. That the Board of Christian Education be authorized to annually elect five persons to represent it on the Board of Managers of the Lord's Day Alliance of the United States in order to provide for this coöperation.—1924, p. 128.

5. The above not to be taken as a precedent.

Overture 3, from the Presbytery of Binghamton, concerning the appointment of members on non-ecclesiastical bodies by our judicatories: The Committee on Polity recommends that the action of the General Assembly of 1924 (See Minutes page 128) should not be taken as a precedent.—1927, p. 193. See D. for W. Ch. I, S. II.

6. Appointment of representatives to Civil Reform Conferences unconstitutional.

The Committee on Bills and Overtures presented a Report on Papers referred to it, which was adopted, and is as follows:

1. A *Resolution* commending a Civic Reform Conference, to be held in Portland, Oregon, in July, 1913, and

2. *Overture No. 272*, from the National Reform Association, relating to the same subject and requesting this Assembly to appoint representatives to said Conference.

The Committee reports that, while endorsing the plan of said Conference, and commending it as one that should have the support of all friends of righteousness, yet, owing to the Constitution of the Church, it is not possible for the Assembly to appoint representatives to any other than ecclesiastical bodies.—1912, p. 79.

7. Judicial decisions as to appointments to State Board of Trustees of Anti-Saloon League.

Haynes vs. the Synod of Indiana.

In the matter of the *Complaint* of S. W. Haynes, an elder of the First Presbyterian Church of Portland, Presbytery of Muncie, Synod of Indiana, against the action of the Synod in nominating two of its members, Rev. J. S. Howk, D.D., and Rev. H. B. Hostetter, to the Indiana Anti-Saloon League, for election to membership on its State Board of Trustees, your Permanent Judicial Commission begs leave to make the following Report:

The Complaint is based on the ground, that as the Indiana Anti-Saloon League is a non-ecclesiastical organization, the action of the Synod in thus procuring the election of two of its members as Trustees of the State Board of the Indiana League, established an official connection between the Synod and the Anti-Saloon League, in violation of the organic law of the Presbyterian Church, and contrary to numerous deliverances of its General Assembly, condemning such a connection.

The organic law referred to is contained in Chap. xxxi, Sec. iv, Confession of Faith, which provides:

"Synods and Councils are to handle or conclude nothing, but that which is ecclesiastical: and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or by way of advice or satisfaction of conscience, if they be thereunto required by the civil magistrate."

The manifest object of this section is to maintain the separation of Church and State, and, as conducive to that end, to prevent the Church from becoming entangled, through any of its agencies, with political or other organizations of a non-ecclesiastical character; and such is the interpretation repeatedly given it by the General Assembly.

In 1909, the General Assembly, through its Permanent Judicial Commission, declared illegal the action of South Dakota Synod in recommending the reëlection of Synodical delegates for appointment as directors of the Anti-Saloon League of that State. In the concluding paragraph of the Report and Judgment of the Permanent Judicial Commission (*Minutes*, General Assembly, 1909, p. 204), it is said:

"The Anti-Saloon League being admittedly a non-ecclesiastical body, the Judicial Commission further finds that, however commendable and proper the action complained of may have appeared to be, the same being contrary to the fundamental law of the Church, the Complaint is well taken and must be and is hereby sustained."

Other deliverances of the General Assembly to the same effect may be found in its published *Minutes* as here indicated: *Minutes*, 1848, p. 58; 1860, p. 44; 1873, p. 504; 1880, pp. 42, 43; 1881, p. 551; 1891, p. 135; 1893, p. 86; 1899, p. 93; 1903, p. 160; 1906, pp. 80, 177, 234; 1907, pp. 138, 227; 1908, pp. 203, 204.

It is conceded by the members of the Synod representing that judicatory on the hearing, that the two ministers of the Presbyterian Church recommended by Indiana Synod for election to membership on the State Board of Trustees of the Indiana Anti-Saloon League, are members of the Indiana Synod, and that their election by the State Board of Trustees of the League to membership thereon, followed the recommending of their names therefor by the Synod; but it is insisted for the Synod that by the action complained of, it merely advised the Indiana Anti-Saloon League of the fitness of the persons nominated for membership upon its State Board of Trustees; and that, as the Board was not compelled to elect as Trustees these nominees, there was no violation by the Synod of Chap. xxxi, Sec. iv, of the Confession of Faith.

Our consideration of the facts presented by the Record, compels us to reject this contention, for it is patent that the course pursued by the Synod was but an indirect way of accomplishing what was forbidden by the organic law of the Church referred to.

In our opinion, the action of the Synod in question, though it may not have been so intended, did give it representation upon the State Board of Trustees of the Indiana Anti-Saloon League, and as fully established an official connection between the Synod and Anti-Saloon League as if the two members of the Synod on the League's Board of Trustees had been elected by the Synod. So it is not material whether the membership of the two ministers of the Synod on the League's Board of Trustees was procured through election by the Synod, or because of their nomination by the Synod and election by the League's Board of Trustees, the legal effect would be the same, as in either case the official connection between the Synod and the League, which the law forbids, would be established.

Although the Synod of Indiana claims to have only suggested to the State Board of Trustees of the Anti-Saloon League the names of two of its members for election as Trustees thereof, since their election by the Anti-Saloon League's Board followed the presentation of the names by the suggestion of the Synod, the Synod's suggestion of the names was in meaning and legal effect, a nomination of the persons named.

It will be observed that Sec. iv, Chap. xxxi, Confession of Faith, does not permit a Synod to "handle or conclude" a matter which is non-ecclesiastical. The nomination by the Synod of two of its members for election as Trustees of the State Board of the Anti-Saloon League, was the "handling," by the Synod, of a non-ecclesiastical matter, forbidden by the law, although concluded by the act of the Anti-Saloon League's Board in electing them Trustees, if the nomination and election together resulted in an official connection between the Synod and Anti-Saloon League.

While we are constrained to hold that Indiana Synod violated the organic law of the Presbyterian Church in the matter complained of, it is nevertheless true that many deliverances issued and resolutions adopted by the General Assembly record the attitude of the Church as uncompromisingly opposed to the liquor traffic, and that it seeks by every legitimate means to lessen and destroy the same and the evils thereof. It has pledged to the Anti-Saloon League the fullest coöperation consistent with the Constitution of the Church; and while it cannot become officially connected with any non-ecclesiastical body, the Assembly will not deny to itself, nor to the lower judicatories, the right to advise Presbyterians within their bounds, individually or collectively, to support, or connect themselves with, any temperance organization or movement working orderly for the promotion of such cause; but, on the other hand, strongly urges such action as a duty and high privilege. Provided, however, that if such persons become connected officially or otherwise with any such non-ecclesiastical body, it shall be only as individuals or members of the Presbyterian body at large, and not as delegates or official representatives of any Presbyterian Church or judicatory. (*Minutes*, 1907, p. 138; 1811, p. 474; 1818, p. 689, 690 (reprint); 1830, p. 298; 1860, p. 262, N. S.; 1873, p. 504. See *Digest* [1907], pp. 618 to 630; Confession of Faith, Chap. xxxi, Sec. iv.)

On the record presented in this case, it is the finding and judgment of the Permanent Judicial Commission that the Complaint of S. W. Haynes, as to the action of the Synod of Indiana, is well taken, and therefore it must be and is sustained.—1912, pp. 179–181.

8. Official sanction or disapproval of the candidacy of individuals for political office not permissible.

The Presbytery of Des Moines, Complainant, the Synod of Iowa, Respondent.

In the matter of the above-styled Complaint your Permanent Judicial Commission begs leave to make the following Report:

It appears from the Record before us that the Presbytery of Des Moines at a stated meeting adopted certain resolutions condemning a named candidate, and nominee of a political party, for the office of governor of the State of Iowa, upon the alleged ground that he was hostile to the prohibition of the liquor traffic; and pledging the support and votes of its members to another named candidate, and nominee of a different political party, for the same office, upon the alleged ground that he was in favor of the prohibition of the liquor traffic. Complaint of the foregoing action of the Presbytery was made to the Synod of Iowa by W. E. Giltner, a ruling elder of a church in the bounds of the Presbytery and a Commissioner in attendance at the meeting of that judicatory, on the grounds that such action was violative of the Constitution of the Presbyterian Church in the U. S. A. and of its Book of Discipline, repugnant to various decisions of its General Assembly, unchristian in spirit, and unjust to the candidate condemned.

The Complaint was sustained by the Synod on the first and second grounds alone; and the Presbytery's dissatisfaction with that judgment of the Synod led to its making this Complaint thereof to the General Assembly.

The question presented for decision by the Complaint is, whether the action of the Presbytery in adopting the resolutions in question was beyond its powers as a Church judicatory? If it was, the judgment of the Synod condemning it should not be disturbed. In other words, in the action taken, was the Presbytery dealing with matters not ecclesiastical? Chap. xxxi, Sec. iv, Confession of Faith, provides: "Synods or councils are to handle or conclude nothing but that which is ecclesiastical; and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate."

Obviously, application of the provisions of this Section to the facts here involved can give no warrant for the Presbytery's action. While we are aware of no provision of the organic law of the Presbyterian Church or decision of its General Assembly which forbids its judicatories or members the right to express their convictions, or give needed advice respecting questions, whether social or moral, which concern or may affect the welfare of the human race, neither the laws of the Church, nor the decisions of its judicatory of last resort, give authority to any of its judicatories to employ methods political in their nature for the purpose of influencing the votes of those who compose them with reference to matters political. We therefore fully approve the conclusion expressed by the Synod of Iowa "that when any Presbyterian Church judicatory passes to the condemnation or disapproval by name, of individuals who are candidates of a political party, and gives advice or injunction as to the support of or opposition to such political candidate, it passes beyond the bounds of its Constitutional functions, which are limited to matters and questions ecclesiastical."

As declared by the General Assembly in the matter of the Complaint of Haynes *vs.* the Synod of Indiana (*Minutes*, General Assembly, 1912, page 179, in which the action of the Synod in procuring the election of two of its members as trustees of the State Board of the Indiana Anti-Saloon League was condemned), "the manifest object of this Section (Sec. iv, Chap. xxxi, Confession of Faith) is to maintain the separation of Church and State, and, as conducive to that end, to prevent the Church from becoming entangled, through any of its agencies, with political or other organizations of a non-ecclesiastical character; and such is the interpretation repeatedly given it by the General Assembly." (Also see *Minutes*, General Assembly, 1909, p. 204, as to the action of South Dakota Synod.)

If the Presbytery were permitted to give its official sanction to or disapproval of the candidacy of individuals for political office, the allying of itself with the political party of the candidate of its approval or with the political party opposing the candidate of whom it disapproved, would be an easy step that would logically and almost inevitably follow. In either event, the Church would be diverted from its holy mission and degraded in the estimation of the world. We do not mean to intimate that the Presbyterian Church should change its attitude upon the liquor question, which has always been that of uncompromising opposition to the traffic in or use of liquor as a beverage; nor have we any word of censure for the determined stand the Des Moines Presbytery seems to have taken in behalf of prohibition. On the contrary, we express our sympathy with the zeal for temperance and righteousness manifested by its members and which doubtless led them to regard the method resorted to, legitimate and the most effective they could employ to remove the evils of intemperance; but we do mean to declare that the method employed was and is violative of the organic law of the Presbyterian Church, and not to be tolerated because of that fact.

For the reason indicated, the Complaint of the Des Moines Presbytery is dismissed and the judgment of the Synod of Iowa is affirmed.

As what has already been said is conclusive of the correctness of the Synod's action in declaring that of the Presbytery invalid, it is deemed unnecessary to pass on the cross Complaint of W. E. Giltner as to the failure of the Synod of Iowa to sustain his contention that Des Moines Presbytery was without jurisdiction of the person whose candidacy it condemned; hence that question is not decided, and his Complaint is dismissed.—1917, pp. 165–167.

9. Presbyterial indorsement of Woman Suffrage contrary to the organic law.

Rev. A. G. Eagleson *vs.* Presbytery of Steubenville.—The Permanent Judicial Commission of the General Assembly of the Presbyterian Church in the U. S. A. presents the Report of its findings in judicial cases submitted for their adjudication, as follows, viz.: *Judicial Case No. 1.*

This case consists in charges made in a *Complaint* filed before the Presbytery of Steubenville by Rev. A. G. Eagleson, wherein he charges that the Presbytery of Steubenville, O., at its session held April 21, 1914, passed a resolution as follows:

"That this Presbytery put itself on record as indorsing Woman Suffrage."

The case was regularly issued, and coming on to be heard upon the notice to Presbytery and the specifications of the grounds of Complaint set out therein, and the parties thereto having been heard before the Commission in argument, and an opportunity having been given to members of said Presbytery (C. R. Culbertson, O. S. Fowler, A. S. McComb) to be heard, and they having been heard, and the complainant having placed on file his written waiver to be present, requested the Commission to take up and decide the case in his absence.

The Commission now finds that said resolution was passed by the said Presbytery, which fact was admitted in writing now on file, signed by the members of the Presbytery, whose names are hereinbefore stated. The said members of the Presbytery requested the Commission to take up and decide the case upon their admission of the action of Presbytery, although the Record was not before the Commission, as the Stated Clerk had failed or refused to send up the Record containing the action of Presbytery in adopting the said resolution. The Commission finds that the Presbytery in adopting said resolution erred, as being contrary to the organic law contained in Chap. xxxi, Sec. iv, Confession of Faith, which provides, to wit:

"Synods and councils are to handle or conclude nothing, but that which is ecclesiastical: and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate."

It is the judgment of the Commission that the organic law above quoted has for its purpose the maintenance of the separation of Church and State, and is conducive to that end to prevent the Church from becoming entangled, through any of its agencies, with political or other organizations of a non-ecclesiastical character, and such is the interpretation repeatedly given it by the General Assembly.

On the Record presented in this case, it is the finding and judgment of the Permanent Judicial Commission that the Complaint of Rev. A. G. Eagleson as to the action of the Presbytery of Steubenville is well taken, and, therefore, must be and is hereby sustained.

The Permanent Judicial Commission would further report that from evidence before it in the trial of the above case, the Stated Clerk of the Presbytery of Steubenville failed or refused to send up to the General Assembly the Record containing the resolution complained of, even after having been urged by the complainant to comply with the law in such cases (see Chap. ix, Sec. 85, Book of Discipline), and he is, in the judgment of the Commission, censurable and should be appropriately dealt with by the Presbytery to which he is subject.—1914, p. 247. (See 1917, p. 235.)

10. Censure in case immediately above withdrawn.

The Case of Steubenville Presbytery.—This is an inquiry by the Presbytery of Steubenville as to the propriety of their carrying out a suggestion of the General Assembly of 1914 (see G. A. *Minutes* 1914, p. 248), suggesting that they censure their Stated Clerk for the reasons which appear in the *Minutes*.

Upon the hearing, it appeared that the action of the clerk of the Steubenville Presbytery was not intended to be contumacious, and an explanation satisfactory to the Permanent Judicial Commission was given. The censure not having yet been administered by the Presbytery, the Judicial Commission recommends that the suggestion of the General Assembly, in view of the explanation of the clerk and of the Presbytery, be withdrawn. —1915, p. 241.

CHAPTER XXXII.

OF THE STATE OF MAN AFTER DEATH, AND OF THE RESURRECTION OF THE DEAD.

I. The bodies of men, after death, return to dust, and see corruption; but their souls (which neither die nor sleep), having an immortal subsistence, immediately return to God who gave them. The souls of the righteous, being then made perfect in holiness, are received into the highest heavens, where they behold the face of God in light and glory, waiting for the full redemption of their bodies: and the souls of the wicked are cast into hell, where they remain in torments and utter darkness, reserved to the judgment of the great day. Besides these two places for souls separated from their bodies, the Scripture acknowledgeth none.

[NOTE.—See case of Rev. Charles A. Briggs, D.D.; also case of John Miller, Specification 3, *Digest*, 1930, Vol. II, pp. 305–316, 328.]

II. At the last day, such as are found alive shall not die, but be changed: and all the dead shall be raised up with the self-same bodies, and none other, although with different qualities, which shall be united again to their souls for ever.

III. The bodies of the unjust shall, by the power of Christ, be raised to dishonor; the bodies of the just, by his Spirit, unto honor, and be made conformable to his own glorious body.

CHAPTER XXXIII.

OF THE LAST JUDGMENT.

I. God hath appointed a day, wherein he will judge the world in righteousness by Jesus Christ, to whom all power and judgment is given of the Father. In which day, not only the apostate angels shall be judged; but likewise all persons, that have lived upon earth, shall appear before the tribunal of Christ, to give an account of their thoughts, words, and deeds; and to receive according to what they have done in the body, whether good or evil.

II. The end of God's appointing this day is for the manifestation of the glory of his mercy, in the eternal salvation of the elect; and of his justice, in the damnation of the reprobate, who are wicked and disobedient. For then shall the righteous go into everlasting life, and receive that fullness of joy and refreshing which shall come from the presence of the Lord: but the wicked, who know not God, and obey not the gospel of Jesus Christ, shall be cast into eternal torments, and be punished with everlasting destruction from the presence of the Lord, and from the glory of his power.

III. As Christ would have us to be certainly persuaded that there shall be a day of judgment, both to deter all men from sin, and for the greater consolation of the godly in their adversity: so will he have that day unknown to men, that they may shake off all carnal security, and be always watchful, because they know not at what hour the Lord will come; and may be ever prepared to say, Come, Lord Jesus, come quickly. Amen.

PREAMBLE TO THE NEW CHAPTERS.

Whereas, It is desirable to express more fully the doctrine of the Church concerning the Holy Spirit, Missions, and the love of God for all men, the following Chapters are added to the Confession of Faith.

CHAPTER XXXIV.

OF THE HOLY SPIRIT.

I. The Holy Spirit, the third person in the Trinity, proceeding from the Father and the Son, of the same substance and equal in power and glory, is, together with the Father and the Son, to be believed in, loved, obeyed, and worshiped throughout all ages.

II. He is the Lord and Giver of life, everywhere present in nature, and is the source of all good thoughts, pure desires, and holy counsels in men. By Him the Prophets were moved to speak the Word of God, and all writers of the Holy Scriptures inspired to record infallibly the mind and will of God. The dispensation of the Gospel is especially committed to Him. He prepares the way for it, accompanies it with His persuasive power, and urges its message upon the reason and conscience of men, so that they who reject its merciful offer are not only without excuse, but are also guilty of resisting the Holy Spirit.

III. The Holy Spirit, whom the Father is ever willing to give to all who ask Him, is the only efficient agent in the application of redemption. He convicts men of sin, moves them to repentance, regenerates them by His grace, and persuades and enables them to embrace Jesus Christ by faith. He unites all believers to Christ, dwells in them as their Comforter and Sanctifier, gives to them the spirit of Adoption and Prayer, and performs all those gracious offices by which they are sanctified and sealed unto the day of redemption.

IV. By the indwelling of the Holy Spirit all believers being vitally united to Christ, who is the Head, are thus united one to another in the Church, which is His body. He calls and anoints ministers for their holy office, qualifies all other officers in the Church for their special work, and imparts various gifts and graces to its members. He gives efficacy to the Word and to the ordinances of the Gospel. By Him the Church will be preserved, increased until it shall cover the earth, purified, and at last made perfectly holy in the presence of God.

CHAPTER XXXV.

OF THE LOVE OF GOD AND MISSIONS.

I. God, in infinite and perfect love, having provided in the covenant of grace, through the mediation and sacrifice of the Lord Jesus Christ, a way of life and salvation, sufficient for and adapted to the whole lost race of man, doth freely offer this salvation to all men in the Gospel.

II. In the Gospel God declares His love for the world and His desire that all men should be saved, reveals fully and clearly the only way of salvation; promises eternal life to all who truly repent and believe in Christ; invites and commands all to embrace the offered mercy; and by His Spirit accompanying the Word pleads with men to accept His gracious invitation.

III. It is the duty and privilege of every one who hears the Gospel immediately to accept its merciful provisions; and they who continue in impenitence and unbelief incur aggravated guilt and perish by their own fault.

IV. Since there is no other way of salvation than that revealed in the Gospel, and since in the divinely established and ordinary method of grace faith cometh by hearing the Word of God, Christ hath commissioned His Church to go into all the world and to make disciples of all nations. All believers are, therefore, under obligation to sustain the ordinances of religion where they are already established, and to contribute by their prayers, gifts, and personal efforts to the extension of the Kingdom of Christ throughout the whole earth.

DECLARATORY STATEMENT.

1. Order as to form and place.

That the Standing Committee on Editions of the Confession be directed . . . . to print the Preamble and the two Sections of the Declaratory Statement as one document, after the new Chaps. xxxiv and xxxv, at the end of the Confession of Faith.—1903, p. 125.

2. Text.

While the ordination vow of ministers, ruling elders, and deacons, as set forth in the Form of Government, requires the reception and adoption of the Confession of Faith only as containing the System of Doctrine taught in the Holy Scriptures, nevertheless, seeing that the desire has been formally expressed for a disavowal by the Church of certain inferences drawn from statements in the Confession of Faith, and also for a declaration of certain aspects of revealed truth which appear at the present time to call for more explicit statement, therefore the Presbyterian Church in the United States of America does authoritatively declare as follows:

First, With reference to Chap. III of the Confession of Faith: That concerning those who are saved in Christ, the doctrine of God's eternal decree is held in harmony with the doctrine of His love to all mankind, His gift of His Son to be the propitiation for the sins of the whole world, and His readiness to bestow His saving grace on all who seek it. That concerning those who perish, the doctrine of God's eternal decree is held in harmony with the doctrine that God desires not the death of any sinner, but has provided in Christ a salvation sufficient for all, adapted to all, and freely offered in the Gospel to all; that men are fully responsible for their treatment of God's gracious offer; that His decree hinders no man from accepting that offer; and that no man is condemned except on the ground of his sin.

Second, With reference to Chap. X, Sec. 3 of the Confession of Faith, that it is not to be regarded as teaching that any who die in infancy are lost. We believe that all dying in infancy are included in the election of grace, and are regenerated and saved by Christ through the Spirit,who, works when and where and how He pleases.—1903, pp. 124, 125.

General deliverances on doctrine, and Auburn Declaration.

[NOTE.—For the deliverances of the Assembly of 1837 on doctrinal errors, and for the Auburn Declaration, see *Digest,* 1930, Vol. II, pp. 349–353.]

THE CREED.

I believe in God the Father Almighty, Maker of heaven and earth: And in Jesus Christ his only Son, our Lord; who was conceived by the Holy Ghost, born of the Virgin Mary, suffered under Pontius Pilate, was crucified, dead, and buried; he descended into hell;* the third day he rose again from the dead; he ascended into heaven, and sitteth on the right hand of God the Father Almighty; from thence he shall come to judge the quick and the dead.

I believe in the Holy Ghost; the holy Catholic Church; the communion of saints; the forgiveness of sins; the resurrection of the body; and the life everlasting. Amen.

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* *i. e.* Continued in the state of the dead, and under the power of death, until the third day.

[NOTE.—The Creed was formally adopted by the Westminster Assembly, as a part of the Shorter Catechism, and was adopted also by the General Synod of this Church in 1729 and 1788.]

[See Larger Catechism, Question 50.]

1. Proposed changes in the Creed.

"*Resolved,* That the propriety of omitting from or changing in the so-called Apostles' Creed the phrases, 'He descended into hell,' and 'The Holy Catholic Church,' be referred to the Committee on a Consensus Creed to consider what is wise in the way of action and to report to the General Assembly."

The Committee, having carefully considered the subject of this resolution, respectfully recommend that no change in the Creed be attempted, and would call attention to the fact that the footnote connected with it and explanatory of the phrase, "He descended into hell," is a part of the Creed itself. The note reads, "Continued in the state of the dead, and under the power of death, until the third day." This note is not the work of an editor, but of the Westminster Assembly, and was confirmed and adopted by our General Synod in 1788. The Apostles' Creed as a Standard of the Presbyterian Church, includes this explanatory note, and neither the Creed nor the note could be changed except by due Constitutional procedure. The Committee, however, feel that it would be unwise, in any event, to attempt to revise this venerable Formula of Faith, which, though not of apostolic origin, has yet back of it Christian antiquity and the veneration of all Christian communions.

Resolved, The attention of our congregations is hereby called to the fact that the Apostles' Creed is one of the Standards of the Presbyterian Church; that the instruction of the children of the Church therein is commended in the Directory for Worship, Chap. x, Sec. i, and that its use in worship is not contrary to any law or regulation of our denomination.

Resolved, That when the Apostles' Creed is used in the worship of our congregations, the Assembly judges that ministers are at liberty to substitute for the phrase, "He descended into hell," the equivalent words, "He continued in the state of the dead, and under the power of death, until the third day."—1892, pp. 34, 35.

PART III

The Form of Government

Adopted 1788. Amended 1805—1930.

FORM OF GOVERNMENT.

CHAPTER I.

PRELIMINARY PRINCIPLES.*

The Presbyterian Church in the United States of America, in presenting to the Christian public the system of union, and the form of government and discipline which they have adopted, have thought proper to state, by way of introduction, a few of the general principles by which they have been governed in the formation of the plan. This, it is hoped, will, in some measure, prevent those rash misconstructions, and uncandid reflections, which usually proceed from an imperfect view of any subject; as well as make the several parts of the system plain, and the whole perspicuous and fully understood.

They are unanimously of opinion:

I. That "God alone is Lord of the conscience; and hath left it free "from the doctrines and commandments of men, which are in anything "contrary to his word, or beside it in matters of faith or worship":† therefore they consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: they do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and, at the same time, be equal and common to all others.

1. Deliverance as to the true title of the Church.

Synod of Wisconsin, exception to Records. On p. 9, Articles of Incorporation, the title of the Presbyterian Church should read: "The Presbyterian Church *in* the United States of America." The same error in the use of the preposition "of" occurs also in the certificate of incorporation.—1904, p. 221.

II. That, in perfect consistency with the above principle of common right, every Christian Church, or union or association of particular churches, is entitled to declare the terms of admission into its *communion*, and the qualifications of its ministers and members, as well as the whole system of its internal government which Christ hath appointed: that, in the exercise of this right they may, notwithstanding, err, in making the terms of communion either too lax or too narrow; yet, even in this case, they do not infringe upon the liberty, or the rights of others, but only make an improper use of their own.

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*This introductory chapter, with the exception of the first sentence, was first drawn up by the Synod of New York and Philadelphia, and prefixed to the Form of Government, etc., as published by that body in 1788. In that year, after arranging the plan on which the Presbyterian Church is now governed, the Synod was divided into four Synods, and gave place to the General Assembly, which met for the first time in 1789.

†Confession of Faith, Chap. xx, Sec. ii.

III. That our blessed Saviour, for the edification of the visible Church, which is his body, hath appointed officers, not only to preach the gospel *and administer the Sacraments;* but also to exercise discipline, for the preservation both of truth and duty; and, that it is incumbent upon these *officers*, and upon the whole Church, in whose name they act, to censure or cast out the erroneous and scandalous; observing, in *all* cases, the rules contained in the Word of God.

IV. The truth is in order to goodness; and the great touchstone of truth, its tendency to promote holiness; according to our Saviour's rule, "by their fruits ye shall know them." And that no opinion can be either more pernicious or more absurd, than that which brings truth and falsehood upon a level, and represents it as of no consequence what a man's opinions are. On the contrary, they are persuaded that there is an inseparable connection between faith and practice, truth and duty. Otherwise it would be of no consequence either to discover truth, or to embrace it.

V. That while under the conviction of the above principle, they think it necessary to make effectual provision, that all who are admitted as teachers, be sound in the faith; they also believe that there are truths and forms, with respect to which men of good characters and principles may differ. And in all these they think it the duty both of private Christians and societies, to exercise mutual forbearance towards each other.

VI. That though the character, qualifications, and authority, of church officers, are laid down in the Holy Scriptures, as well as the proper method of their investiture and institution; yet the election of the persons to the exercise of this authority, in any particular society, is in that society.

VII. That all church power, whether exercised by the body in general or in the way of representation by delegated authority, is only ministerial and declarative; *that is to say*, that the Holy Scriptures are the only rule of faith and manners; that no church judicatory ought to pretend to make laws, to bind the conscience in virtue of their own authority; and that all their decisions should be founded upon the revealed will of God. Now, though it will easily be admitted, that all synods and councils may err, through the frailty inseparable from humanity; yet there is much greater danger from the usurped claim of making laws, than from the right of judging upon laws already made, and common to all who profess the gospel; although this right, as necessity requires in the present state, be lodged with fallible men.

VIII. *Lastly*, That, if the preceding scriptural and rational principles be steadfastly adhered to, the vigor and strictness of its discipline will contribute to the glory and happiness of any Church. Since ecclesiastical discipline must be purely moral or spiritual in its object, and not attended with any civil effects, it can derive no force whatever, but from its own justice, the approbation of an impartial public, and the countenance and blessing of the great Head of the Church universal.

CHAPTER II.

OF THE CHURCH.

I. Jesus Christ, who is now exalted far above all principality and power, hath erected, in this world, a kingdom, which is his Church.

II. The universal Church consists of all those persons, in every nation, together with their children, who make profession of the holy religion of Christ, and of submission to his laws.

1. Deliverances on Church unity.

On receiving the Report of the Special Committee on Church Unity appointed in 1887 on a Memorial from the Protestant Episcopal Church [see *Minutes*, p. 154], the following action was had:

1. The General Assembly reaffirms the declaration of the General Assembly of 1887 [pp. 133, 134 and 156] as follows, viz.: "The General Assembly is in cordial sympathy with the growing desire among the evangelical Christian Churches for practical unity and coöperation in the work of spreading the Gospel of our Lord Jesus Christ throughout all the earth."

2. It reaffirms the further declaration of the same Assembly, viz.:

a. All believers in Christ constitute one body, mystical, yet real, and destined to grow into the fullness of him who filleth all in all.

b. The universal visible Church consists of all those throughout the world who profess the true religion, together with their children.

c. Mutual recognition and reciprocity between the different bodies who profess the true religion is the first and essential step towards practical Church unity.—1894, p. 28.

The Committee on Church Unity presented its Report on correspondence with the Protestant Episcopal Commission. The following resolutions were adopted:

1. That the Committee on Church Unity be, and hereby is, discharged from further conference with the Commission of the Protestant Episcopal Church on this subject.

2. That one thousand copies of the correspondence with the Commission, accompanied by the Report of the Committee to this Assembly, be printed as a permanent record.

3. That the Presbyterian Church in the United States of America desires a closer affiliation with other evangelical Churches, and expresses the hope that the time may soon come when the suspended correspondence with the Commission of the Protestant Episcopal Church may be reopened by the acceptance by that Church of the doctrine of "mutual recognition and reciprocity."—1896, p. 104.

III. As this immense multitude cannot meet together in one place, to hold communion, or to worship God, it is reasonable, and warranted by Scripture example, that they should be divided into many particular churches.

IV. A particular church consists of a number of professing Christians, with their offspring, voluntarily associated together, for divine worship and godly living, agreeably to the Holy Scriptures; and submitting to a certain form of government.

[Note.—See, also, this *Digest*, Book of Discipline, Chap. i, Sec. 6; Directory for Worship, Chap. x, Sec. i.]

1. Mode of organization of new churches.

The Committee to whom was recommitted the Report of the last Assembly, on the organization of new churches, reported again, and their Report was read and adopted, and is as follows, viz.:

That a particular Presbyterian church, so far as adults are concerned, is constituted and organized as such, by a number of individuals, professing to walk together as the disciples of Jesus Christ, on the principles of the Confession of Faith and Form of Government of the Presbyterian Church, and the election and ordination of one or more ruling elders, who, by the ordination service, become the spiritual rulers of the persons voluntarily submitting themselves to their authority in the Lord.

a. This organization ought always to be made by application to the Presbytery, within the bounds of which the church to be organized is found, unless this be exceedingly inconvenient, in which case it may be done by a duly authorized missionary, or a neighboring minister of the Gospel.

b. At the time appointed for the purpose, after prayer for divine direction and blessing, the presiding minister, or Committee appointed by the Presbytery, should first receive from those persons to be organized into the new church, if they have been communicants in other churches, letters of dismission and recommendation; and in the next place, examine and admit to a profession of faith, such persons as may offer themselves, and may be judged suitable to be received on examination. If any of these persons admitted to a profession on examination have not been baptized, they should in this stage of the business be made the subjects of Christian baptism.

c. The individuals ascertained in the foregoing manner to be desirous and prepared to associate as a church of Christ, should now, by some public formal act, such as rising, joining hands, or subscribing a written statement, agree and covenant to walk together in a church relation, according to the acknowledged doctrines and order of the Presbyterian Church.

d. The next step is to proceed to the election and ordination of ruling elders, in conformity with the directions given on this subject in the Form of Government of the Presbyterian Church.

Deacons are to be elected and ordained in like manner as in the case of ruling elders.

e. When a church has been organized in the manner already described, Report of the same should be made, as soon as practicable, to the Presbytery within whose bounds it is located. And when a missionary, or other minister of the Gospel, not especially appointed to the work by a Presbytery, has, in the manner above specified, organized a church, not within the known bounds of any Presbytery, the church thus organized should as soon as practicable make known to some Presbytery, with which it may be most naturally and conveniently connected, the time and manner of its organization, and desire to be received under the care of said Presbytery.

In cases in which churches are to be formed within the known boundaries of any Presbytery, it is most desirable that persons wishing to be organized as a Presbyterian church, should petition that Presbytery to receive them under its care for the purpose of organizing them in due form.

f. There may be people in destitute portions of our land, who may be disposed to associate for the purpose of forming a Presbyterian congregation, when no minister of the Gospel can be obtained to aid them. The forming of associations for such a purpose, in the circumstances contemplated, should be considered not only as lawful, but highly commendable. And such associations, when formed, should, as speedily as possible, take measures for obtaining the preaching of the Gospel, and for becoming organized as regular churches.

g. Cases may also occur, in various places, in which a collection or association of people may desire the preaching of the Gospel, and be willing, in whole or in part, to support it, and yet may not have suitable men among them to sustain the office of ruling elders.

Such people may and ought to obtain a preacher of the Gospel to labor among them, and occasionally to administer ordinances, under the direction of some Presbytery, till they shall find themselves in circumstances to make a proper choice of ruling elders, and to have them regularly set apart to their office.—1831, pp. 326, 327.

2. Enrollment of imperfectly organized churches.

[Note.—The Presbytery of West Jersey overtured the Assembly for an answer to the question whether a number of professing Christians associated for divine worship substantially as set forth in the Form of Government, Chap. ii, Sec. iv, has a right to be enrolled as a Presbyterian church before the election of elders. For the Overture and the answer of the Assembly, which was adopted, see *Minutes*, 1888, p. 109. The next year the Synod of New Jersey overtured the Assembly upon the same subject, and the answer of the Committee on the Polity of the Church was referred to a Special Committee (*Minutes*, 1889, pp. 100, 101), to report to the next Assembly. The Report of the Special Committee of the Assembly of 1890, which was adopted is as follows:

Your Committee would respectfully report:

According to the Form of Government, Chap. ii, Sec. iv, "A particular church consists of a number of professing Christians, with their offspring, voluntarily associated together for divine worship and godly living, agreeably to the Holy Scriptures, and submitting to a certain form of government."

In 1831, the General Assembly declared, that "a particular Presbyterian Church, so far as adults are concerned, is constituted and organized as such, by a number of individuals, professing to walk together as the disciples of Jesus Christ, on the principles of the Confession of Faith and Form of Government of the Presbyterian Church, and the election and ordination of one or more ruling elders, who by the ordination service become the spiritual rulers of the persons voluntarily submitting themselves to their authority in the Lord." In describing the proper organization of a particular Presbyterian church, the Assembly requires that application be made to the Presbytery, which should appoint a Committee to accomplish the desire of the applicants, by receiving those who are full communicants, on certificates from their several churches; and, others, after examination, on profession of faith. Those thus received "should now, by some public formal act, such as rising, joining hands, or subscribing a written statement, agree and covenant to walk together in a church relation, according to the acknowledged doctrines and order of the Presbyterian Church" (*Digest*, 1886, p. 107). This formal act constitutes them a Presbyterian church, according to the above-quoted section of the Form of Government. The "Book of Church Order" of the Southern Church requires that the Committee should then by its chairman say: "I now pronounce that you are constituted a church according to the Word of God and the faith and order of the Presbyterian Church in the United States. In the name of the Father, and of the Son and of the Holy Ghost" (Chap. ii, Sec. v).

Thus the communicants are organized a Presbyterian church, before they can proceed to elect officers. This is evident from our Form of Government, which says: "In all cases the persons elected (ruling elders or deacons) must be male* members, in full communion, in the church in which they are to exercise their office" (Chap. xiii, Sec. ii). And they can be elected only by the communicants of that particular church.

In 1888, the General Assembly was asked "whether such a body of believers, so organized, has a right to be enrolled as a church by the Presbytery, though the election of elders and deacons be postponed temporarily for reasons of prudence or necessity; and further, what is the status of such a church, or of one which has lost its officers by death or removal, and, for the time being, is without suitable material for the election of successors?" The Assembly replied that "a body of Christians thus formed is essentially and potentially a church, with the right of enrollment and recognition, though not prepared to exercise the functions of government and discipline until its representative officers, as required by the Presbyterian system, be chosen and duly set apart for these purposes. Meanwhile the Presbytery shall appoint one or more of its members to take oversight of the spiritual affairs of such a church until a Session may be regularly constituted." The same Assembly was also asked: "May a minister of a Presbyterian church receive members by examination and profession of their faith into a church in which no ruling elder or elders can be found, all having died or removed from the bounds of the church, and would members so received and recognized by the congregation and chosen as officers of the church be legally entitled to their positions as church officers?" The Assembly gave an affirmative answer to these questions, "provided such action is taken under the authority and direction of the Presbytery" (*Minutes*, 1888, p. 109).

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* For present law, see this Digest, F. of G., Chap. xiii, Sec. ii.

A fully constituted Presbyterian church must have a pastor, ruling elders and deacons. But its existence as a church does not depend upon its officers. It would not be *ipso facto* dissolved should they all be removed. The church, under a proper call, would be competent to elect others in their stead. (See below, p. 94, 2).

From the above harmonious declarations of our Form of Government and of the General Assembly, it is evident that a distinction is properly made between the existence of a church and the agents through which it performs its functions—between the organization of a Presbyterian church, possessing under our Form of Government certain officers, and the election of individuals to fill these offices.

We therefore recommend that the following reply be sent to the Synod of New Jersey:

1. A particular Presbyterian church consists of a number of communicants, together with their offspring, associated by the direction of Presbytery, professing to walk together as the disciples of Jesus Christ, on the principles of the Confession of Faith and the Form of Government of the Presbyterian Church, and should be recognized and enrolled as such.

2. The first act of the newly organized church should be the election, under the supervision of the Committee of Presbytery, of ruling elders and deacons. The Committee should at once appoint a minister of the Presbytery as Moderator of Session, until the church shall elect a pastor, and the Presbytery takes further action.

3. The Committee of Presbytery should carefully consider the character and other qualifications of every candidate for ruling elder or deacon, and should discountenance the election or ordination of those who appear unsuitable.

4. When, however, proper persons cannot be found among the communicants for church officers, all the facts should be reported to Presbytery, which should regard the organization as potentially a church, and therefore entitled to enrollment and supervision; but as imperfect in its condition, being disqualified, lacking the proper officers, from exercising government and discipline, and from representation in the judicatories of the Church. The Presbytery should therefore appoint a Special Committee to take the oversight of the church, and to secure, as soon as possible, the election of proper officers—ruling elders and deacons—that it may perform all the functions of a Presbyterian church.—1890, pp. 113–116.

CHAPTER III.

OF THE OFFICERS OF THE CHURCH.

I. Our blessed Lord at first collected his Church out of different nations, and formed it into one body, by the mission of men endued with miraculous gifts, which have long since ceased.

[NOTE.—See this *Digest*, Confession of Faith, Chap. xxv, Sec. iii.]

II. The ordinary and perpetual officers in the Church are Bishops or Pastors; the representatives of the people, usually styled Ruling Elders; and Deacons.

[NOTE.—See under Chaps. iv, v, vi.]

CHAPTER IV.

OF BISHOPS OR PASTORS.

The pastoral office is the first in the Church, both for dignity and usefulness. The person who fills this office, hath, in Scripture, obtained different names expressive of his various duties. As he has the oversight of the flock of Christ, he is termed bishop.* As he feeds them with spiritual food, he is termed pastor. As he serves Christ in his church, he is termed minister. As it is his duty to be grave and prudent, and an example of the flock, and to govern well in the house and kingdom of Christ, he is termed presbyter or elder. As he is the messenger of God, he is termed the angel of the church. As he is sent to declare the will of God to sinners, and to beseech them to be reconciled to God through Christ, he is termed ambassador. And, as he dispenses the manifold grace of God, and the ordinances instituted by Christ, he is termed steward of the mysteries of God.

I. THE PASTORAL RELATION.

1. Fidelity in pastoral duties enjoined.

a. Upon an *Overture* to the Synod, in pursuance of an order of the Committee to that purpose, viz., to use some proper means to revive the declining power of godliness, the Synod do earnestly recommend it to all our ministers and members to take particular care about ministerial visiting of families, and press family and secret worship, according to the Westminster Directory, and that they also recommend it to every Presbytery at proper seasons to inquire concerning the diligence of each of their members in such particulars.—1733, p. 105.

b. And the Synod does further recommend unanimously to all our Presbyteries to take effectual care that each of their ministers are faithful in the discharge of their awful trust. And in particular, that they frequently examine, with respect to each of their members, into their life and conversation, their diligence in their work, and their methods of discharging their ministerial calling. Particularly that each Presbytery do, at least once a year, examine into the manner of each minister's preaching, whether he insist in his ministry upon the great articles of Christianity, and in the course of his preaching recommend a crucified Saviour to his hearers as the only foundation of hope, and the absolute necessity of the omnipotent influences of the divine grace to enable them to accept of this Saviour; whether he do, in the most solemn and affecting manner he can, endeavor to convince his hearers of their lost and miserable state whilst unconverted, and put them upon the diligent use of those means necessary in order to obtaining the sanctifying influences of the Spirit of God; whether he do, and how he doth, discharge his duty toward the young people and children of his congregation in a way of catechising and familiar instruction; whether he do, and in what manner he doth, visit his flock and instruct them from house to house.

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*As the office and character of the gospel minister is particularly and fully described in the Holy Scriptures, under the title of bishop; and as this term is peculiarly expressive of his duty as an overseer of the flock, it ought not to be rejected.

And the Synod hereby orders that a copy of this Minute be inserted into the books of each of our Presbyteries, and be read at every of their Presbyterial meetings, and a Record of its being read minuted in said books at the beginning of every session, and that there be also an annual Record in each Presbytery book of a correspondence with this Minute. And in case any minister within our bounds shall be found defective in any of the above-mentioned cases, he shall be subject to the censure of the Presbytery, and if he refuse subjection to such censure, the Presbytery are hereby directed to represent his case to the next Synod. And the Synod recommends to each of the ministers within our bounds to be as much in catechetical doctrines as they in prudence may think proper. —1734, p. 111.

c. That in the discharge of pastoral duties, they take the utmost care that the Word of God be known and understood by the people, and that for this purpose, in their public instructions the practice of lecturing on certain portions of holy Scripture be not laid aside, but rather revived and increased; that they endeavor, where it is prudent and practicable, to institute private societies for reading, prayer, and pious conversation; above all, that they be faithful in the duties of family visitation and the catechetical instruction of children and youth. And that in order to aid these views, they endeavor to engage the Sessions of the respective congregations, or other men most distinguished for intelligence and piety in them, to assume as trustees the superintendence and inspection of the schools established for the initiation and improvement of children in the elements of knowledge; to see that they be provided with teachers of grave and respectable characters; and that these teachers, among other objects of their duty, instruct their pupils in the principles of religion, which should be done as often as possible in the presence of one or more of the aforesaid trustees, under the deep conviction that the care and education of children, the example set before them, and the first impressions made on their minds are of the utmost importance to civil society as well as to the Church.—1799, p. 182.

[NOTE.—See also this *Digest*, under Directory for Worship, Chaps. i, vi and Minutes *passim*, for duties, etc., of a pastor, and under Form of Government, Chaps. xv, xvi and xvii, for questions relating to the pastoral office. Also Chap. x, Sec. vii.]

2. The pastoral relation emphasized and encouraged.

The following Paper in reference to the pastoral relation was adopted:

The General Assembly deems it important to reiterate and enforce the doctrine of our Standards in regard to the pastoral relation, as the Scriptural, apostolic, and permanent order for the edifying of the body of Christ and the extension of saving influences throughout the world. This was evidently the view of the subject held by those who laid the foundations of the Presbyterian Church, who drew the wondrous plan of its organization, and impressed upon it those features which give it so striking a resemblance to the churches presided over by the apostle John, by Timothy, by the venerable Polycarp, and others in those times of early development under the special guidance of divine inspiration. Nothing is more fundamental in our order than the law which calls for an educated pious, ordained, settled, permanent ministry. Our Book recognizes no ministerial relation to the Church as thoroughly legitimate and vital but that of a regularly constituted pastorate; all besides this it regards as exceptional and temporary.

As an Assembly we feel solemnly bound to remind the Presbyteries and churches of these facts, and to express our deep sense of the danger which threatens us, in consequence of a very manifest decline from the law and the practice of our fathers on this subject, and the growing evil of frequent change of pastoral relations, in consequence of which we are somewhat losing a peculiarity which has given us distinction in times past, and are becoming more and more, in this respect, like those denominations among whom change is not exceptional, but an adopted principle and a confirmed habit. For Presbyterians this tendency is alarming. The Assembly would therefore warn all concerned to be on their guard against it. Since much depends upon the views of the subject with which young men enter the ministry, we would respectfully suggest, to the teachers in our theological seminaries, the importance of emphasizing their instructions in regard to the pastoral office, as one to be desired and sought as a divine and permanent institution, and as absolutely essential to the most healthful development and increase of the Church and the Christian cause. We would also earnestly call upon all our churches to coöperate with their Presbyteries in creating and extending a public sentiment favoring the formation of pastoral relationships which time and years shall only serve to strengthen and to hallow, and which may suitably represent in outward form the stable tendencies of our ancient and orthodox faith. Our people must be encouraged to call pastors with a view of keeping them; and our ministers must enter the pastorate to abide. When the two parties come together with such views and purposes, they will be so joined together that man may not and only God can put them asunder. At the same time, the Assembly would deprecate undue haste in the consummation of pastoral ties as itself prophetic of speedy dissolution. We would advise the parties to take time to ascertain whether they have a proper liking and fitness for each other, and not marry under the first impulse of inclination, much less on account of what, at the moment, may appear the *best* or the *only* chance. Relationships designed to be lasting must be carefully considered and prayerfully entered into; then will the causes which so frequently unsettle or disturb be powerless, and the beautiful order of the pastorate will remain, to the praise of God and the glory of the Church, in the midst of changes which mar all other relations and vitiate so many of the works of man.—1877, pp. 542, 543.

3. Ministerial rights unaffected by being honorably retired.

From the Synod of Cleveland, inquiring whether those ministers whose names in the Assembly's *Minutes* are followed by the letters "H. R."

have still the right to preach, to administer the Sacraments, to sit in the higher judicatories of the Church, and to exercise other functions of the ministry, as in former times. The Committee recommend that the following answer be returned: The designation referred to in the Overture does not affect, in any way, the status of the minister, or deprive him of any of the functions of his office.—1875, p. 507.

[NOTE.—See also this *Digest*, Form of Government, Chap. x, Sec. vii.]

4. What constitutes an "Honorably Retired Minister"?

Overture No. 41, from the Presbytery of Westchester, as to what constitutes an "Honorably Retired Minister." We recommend the following answer: A faithful ministry in the past and incapacity for further active service are the conditions for Honorable Retirement. The responsibility for conferring the title must rest with the Presbytery.—1909, p. 191.

5. Installation of pastors-elect insisted on, and none to be designated as P. E. whose call has not been regularly acted on.

The Committee of Bills and Overtures reported the following resolution:

Whereas, It is commonly reported that in several of our Presbyteries the custom prevails, first, of permitting ministers who have received calls from churches to serve such churches through a series of years without installation; and, secondly, of placing the names of such ministers in the statistical tables as pastors-elect (P.E.); and,

Whereas, Such customs are manifestly inconsistent with the express requirements or implications of Form of Government, Chap. xv. viii, and xvi, iii; therefore,

Resolved, That all our Presbyteries be enjoined:

1. To take order that as soon as possible after a licentiate or ordained minister has been called by a church and the call been approved and accepted such person be installed as pastor of the church calling him.

2. To place the names of none in the statistical tables as pastors-elect (P.E.) whose calls have not been regularly approved by the Presbytery having charge of the church issuing the call, and who have not signified their acceptance thereof and readiness for installation.—1886, p. 56.

II. STATED SUPPLIES.

1. Stated supplies to be discouraged.

a. The Committee on *Overture No. 9*, viz., a Memorial from East Hanover Presbytery on inefficiency in the ministry, made the following Report, which was adopted, viz.: . . . . 3. That it be enjoined on all the Presbyteries to take such measures as they may deem expedient for forming the pastoral relation in a regular manner in all cases where churches are now served by stated supplies, unless there be special reasons to the contrary, of which reasons the Presbytery is required to judge, and to make their judgment matter of Record on their Minutes.—1834, p. 450.

b. "*Resolved*, That it be enjoined on all the Presbyteries to take early and efficient measures for terminating, as far as possible, the growing evil of the system of stated supplies, and for leading all our churches to seek the regular installation of their stated teachers as pastors in the full sense of the term, as used in our Form of Government."—1839, p. 177, O. S.

c. "The pastoral office should be more and more highly appreciated, practically honored and mainly promoted in all our judicatories and churches as the ordinary, the permanent, and the incomparable way of the Lord in promoting his own cause and in educating his people for heaven."—1840, p. 17, N. S.; confirmed 1886, p. 56.

d. "That the relation of stated supply which has grown up between many of our churches and ministers is unknown in our system, and tends to disorder and injury in many ways. The Presbyteries are therefore directed to supplant it, as far as possible, in all cases by the regular pastoral relation; and to discountenance it as a permanent relation."—1842, p. 29, O. S.; 1895, p. 102.

e. "Churches having stated supplies only are not such churches as are contemplated in Form of Government, Chap. x, Sec. iv, and have a right of representation according to the principles of the Form of Government, Chap. x, Sec. v."—1851, p. 15, N. S.; 1886, p. 56.

f. *Resolved*, That this Assembly observes with solicitude and deep regret, the wide extent to which the practice of admitting stated supplies prevails throughout the Church, and would call the attention of our Presbyteries especially to the importance of discouraging this practice, and would recommend that our Presbyteries, as far as possible, insist upon the institution of the pastoral relation.—1887, p. 141.

2. Presbytery can terminate stated supply at discretion.

"*Resolved*, That as Mr. Clapp was merely a stated supply of the church in New Orleans, the Presbytery of Mississippi had a right, and it was their duty, under existing circumstances, to adopt measures to detach him from said congregation."—1831, p. 340.

3. Evangelists not to be ordained to serve as stated supplies.

"That while the instability of the pastoral relation arises out of the uneasiness incident to growing and changing communities, and so cannot be removed by legislation, still the Presbyteries themselves can do much to abate it by honoring the pastoral relation, and declining, except in extraordinary cases, to ordain young men as evangelists to serve as stated supplies."—1869, p. 262, N. S.; 1886, p. 56.

4. Stated supplies have no pastoral powers.

Overture from the Presbytery of Knox, asking a reply to the question, Has a stated supply the right, power, and prerogative in the church Session as a pastor?

The Committee respectfully recommend that the Assembly answer the Overture in the negative.

The Report was adopted.—1877, p. 549.

5. Have only such rights as may be conferred by Presbytery.

It was *Resolved*, That the question submitted by the Presbytery of Los Angeles, as to what rights and prerogatives belonging to a pastor a stated supply had not, be answered, That stated supplies have such rights and prerogatives as may be expressly conferred on them by the Presbytery, and no other.—1878, p. 120.

6. Should not preach in the pulpits of any Presbytery without its consent.

Overtures from the Presbyteries of Lackawanna and Binghamton. Stated supplies should not preach in the pulpits of any Presbytery without its consent; and, when the consent is refused, the Presbytery to which such minister serving as stated supply belongs, being notified, should recall him within its own bounds.—1874, p. 83.

7. A pastor-elect not stated supply ipso facto.

A pastor-elect is not stated supply by any virtue of the call in progress. —1880, p. 45.

[See also this *Digest*, Form of Government, Chap. ix, Sec. iii, below, p. 109.]

8. Deliverances on stated supplies reaffirmed.

The Committee recommend the adoption of the following: *Resolved*, That the careful attention of Presbyteries be directed to the deliverances of past Assemblies on the subject of stated supplies, as they are set forth in Chap. iv of Moore's *Digest* (1886, pp. 112, 113), and also in the Supplement of said *Digest*, pp. 476–478, all which deliverances are hereby reaffirmed by this Assembly.—1886, p. 56.

9. What is a stated supply; and what is a vacant church?

Overture from the Presbytery of Bloomington, asking an answer to the following questions: 1. What is a stated supply? 2. What is a vacant church?

Answer. Question 1. The official title "stated supply" is unknown to our system (Moore's *Digest*, 1886, p. 113). Inasmuch, however, as the growing evil has been recognized by the Assembly, in so far as to adopt a rule for the Record of stated supplies in its *Minutes* (see *Minutes*, 1894, p. 350, Item 5), it is recommended that the Assembly reply to the Overture, that a stated supply is a minister employed by a church, with the authority of Presbytery, for a definite time or period of service.

Answer. Question 2. "Every congregation or church is vacant which has not a pastor duly installed" (Moore's *Digest*, 1886, p. 139).—1895, p. 102.

CHAPTER V.

OF RULING ELDERS.

Ruling elders are properly the representatives of the people, chosen by them for the purpose of exercising government and discipline, in conjunction with pastors or ministers. This office has been understood, by a great part of the Protestant Reformed Churches, to be designated in the Holy Scriptures, by the title of governments; and of those who rule well, but do not labor in the word and doctrine.

[Note.—See this *Digest*, under Form of Government, Chap. xiii.]

1. Ruling elders assistants to ministers.

For the better establishing and settling congregations, it is ordered and appointed that in every congregation there be a sufficient number of assistants chosen to aid the minister in the management of congregational affairs.—1714, p. 37.

2. The eldership essential to the existence of a Presbyterian Church.

The Report of the Committee to examine the Records of the Synod of the Western Reserve was adopted, and is as follows, viz.: That the Records be approved, with the exception of the sentiment on page 154, viz., that the eldership is not essential to the existence of the Presbyterian Church. In the opinion of the Committee the Synod advance a sentiment that contravenes the principles recognized in our Form of Government, Chap. ii, Sec. iv; Chap. iii, Sec. ii; Chap. v; Chap. ix; Secs. i, ii.—1833, p. 404.

[NOTE.—This does not forbid the forming of congregations for religious worship, where they may not have suitable persons among them to sustain the office of ruling elder. See Chap. ii, Sec. iv, and *Minutes*, 1890, pp. 113–119.]

3. Elders must be duly elected and set apart.

[NOTE.—See this *Digest*, Form of Government, Chap. xiii, Secs. i, ii, iv, viii.]

4. Training and equipment of elders.

Overture 7. Your Committee has considered an overture from the Presbytery of Huntingdon, concurred in by seventy-eight other Presbyteries, with regard to the training and equipment of elders before ordination.

Your Committee recommends the following action:

Whereas, the genius of our Presbyterianism calls for the equal recognition of the minister and ruling elder in the government of the Church, in the Presbytery every congregation being represented by a ruling elder, and in delegated Synods and the General Assembly there being an equal number of ministers and elders, while in the Session the minister is always outnumbered by the elders, and

Whereas, the Church rightly requires of the minister that before ordination he shall have had four years of college and three years of theological seminary, or their equivalent, and must, by examination, satisfy Presbytery as to his qualification and fitness to be a minister before he is ordained as such, and

Whereas, in spite of the high quality and devoted service of many of our elders, there is a deepening conviction in the Church and a growing desire on the part of many elders that there should be training, preparation, and equipment before ordination, which should be of such a character as to fit the elders more adequately for the duties of their high office and for real leadership in the particular church over which God has made them overseers,

Be it resolved, that brief but wisely chosen courses of study be selected, designed to prepare and equip the newly-elected elder for spiritual, constructive, and fruitful service in his high office, and

That small but carefully prepared textbooks be prepared on those subjects with which every elder should be familiar, such as the doctrine, government, and discipline of his Church, and such knowledge of evangelistic, educational, missionary and other subjects as will more adequately qualify him for spiritual and practical leadership in the particular church of which he may be an elder, and

That these courses and textbooks shall be uniform for all the Church, and that each newly elected elder shall pursue said courses in ways that may be most convenient to him, subject to the approval of the Session of which he is a member-elect, and in accord with the Form of Government of our Church, and

That the Board of Christian Education be directed by the General Assembly to select the courses of study, prepare the textbooks, and devise the plan and arrangements for making this action known and effective in our Presbyterian Church, and

That this action as to the training and equipment of elders be not retroactive, but shall become effective at such time as the General Assembly may designate, and shall apply to all the churches of the Presbyterian Church in the U. S. A.—1929, p. 130.

5. A ruling elder without charge has no seat in a church court.

Resolved, That no ruling elder, who has retired from the active exercise of his office in the church to which he belongs, can be admitted as a member of Presbytery, Synod, or General Assembly.—1835, p. 489.

[NOTE.—See Chap. xiii, Sec. viii (Term Service): "*Provided*, That elders, once ordained, shall not be divested of the office when they are not reëlected, but shall be entitled to represent that particular church in the higher judicatories, when appointed by the Session or the Presbytery."]

6. An elder cannot hold office in two churches at the same time.

The Judicial Committee reported that, by permission of the Assembly, a *Complaint* was presented to them by the Rev. Dr. Ashbel Green, in behalf of a minority, against a decision of the Synod of Philadelphia,* recorded on the Synod book, page 168, by which Complaint the following question is presented for the decision of the Assembly, viz.:

Is it consistent with the Constitution of this Church for the same individual to hold the office of ruling elder in two different churches at the same time?

When it was resolved by the Assembly that the decision of the Synod be affirmed, and the Complaint dismissed.—1827, p. 204. (See pp. 214, 3; 250, 7; 573, d.)

7. Nor adjudicate in a church of which he is not an elder.

[NOTE.—See below, under Chap. ix, Sec. i, 3, p. 103; also pp. 213, 3; 247, 5; 573, d.]

8. An elder has the same right to sit in Synod as in Presbytery.

Has an elder, whom the discipline of our Church authorizes to sit as a member in Presbytery, from a vacant congregation or united congregations, a right by that discipline to sit in Synod, as a representative of such congregation or congregations?

The question was determined in the affirmative.—1808, p. 403.

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*The Synod having rejected a resolution declaring it lawful for an elder to exercise the office in two different congregations at the same time.

9. When an elder has been suspended from church privileges, and is restored, he is not thereby restored to office.

"When an elder has been suspended from church privileges, for an offense, and again restored to the privileges of the church, is he also restored to his office as a ruling elder?" should be answered in the negative. The two things are distinct; and since an elder, as well as a minister, may be suspended from his office, and not from the communion of the church, so there may be reasons for continuing his suspension from his office after he is restored to the privileges of the church. He cannot be restored to the functions of his office without a special and express act of the Session for that purpose, with the acquiescence of the church.—1836, p. 521.

10. Elders are not to participate in the ordination of ministers by the laying on of hands.

a. In answer to a communication from the Presbytery of the Western District on the subject of allowing ruling elders to unite in the imposition of hands in the ordination of bishops: The Committee unanimously recommend an adherence to the order, and, until recently, the uniform practice of our Church on this subject, viz., to allow preaching elders or bishops only to engage in that service.—1842, p. 16. O. S.

b. *Resolved*, That it is the judgment of this General Assembly that neither the Constitution nor the practice of our Church authorizes ruling elders to impose hands in the ordination of ministers. [Yeas 138, nays 7, *non liquet* 1, excused 2.]—1843, p. 183, O. S.

c. In answer to a request to reverse the above decision, the Assembly *Resolved*, That in the opinion of this Assembly, the last Assembly, in determining that ruling elders are not authorized by the Form of Government to impose hands in the ordination of ministers, did not depreciate the office of ruling elder, nor did they in any respect contravene the letter or the spirit of the Constitution, or the principles and practice of Presbyterian Churches in Europe or America since the Reformation; but in conformity with both the principles and practice of our own and other Presbyterian Churches, they did decide that as the rite of ordination is simply a declaratory ministerial act, the laying on of hands as a part thereof belongs properly to ordained ministers, while to ruling elders is left unimpaired and unquestioned the full and rightful power of ordering the work of ordination, and of judging in the discipline of ministers in common with those Presbyters who labor in word and doctrine, as in all other cases. [Yeas 154, nays 25.]—1844, p. 370, O. S.

[Against the above action a protest, signed by twenty-two members of the Assembly, was entered and received. The protest and the answer of the Assembly may be found in Baird's *Collection*, revised edition, pp. 75–80.]

d. The Committee on the Polity of the Church reported an answer to the inquiry, "Ought the eldership to participate in the ordination of ministers by laying on of hands?" as follows:

It is a recognized principle of our Church polity, in accordance, as we believe, with apostolic teaching, that bishops, ministers and elders constitute but one grade or rank of officers in the Christian Church, and hence that in all our Church judicatories they have equal rights and powers.

In all the judicial business of the Church all are Presbyters alike. (See Form of Government, Chap. ix, Secs. i, ii, iv; Chap. x, Secs. ii to vii; Chap. xi, Secs. i, ii; and Chap. xii, Sec. ii.) Still it cannot be denied that in the Bible a distinction is recognized between those Presbyters who rule only and those who both rule and preach. In the practice of the Presbyterian Church in all its branches this distinction has become very marked. Some are set apart expressly to preach the Gospel and to administer the ordinances of God's house. They are Presbyters in common with others; but as ministers of Christ, they have functions and rights peculiar to themselves, and are required to possess proper qualifications. In the ordination of ministers your Committee believe there are two distinct things to be done: 1. The examination and approval of the candidate. In this all the members of the Presbytery participate alike; and, 2. The formal act of induction into office, in which, by almost universal consent, as we suppose, only ministers officiate. It is true our Form of Government, Chap. xv, Sec. xiv, speaks of the whole Presbytery as laying on hands and giving the right hand of fellowship. But every statute should be construed consistently with itself and with general usage under the statute. Your Committee would suggest that the act of induction is ministerial, not judicial. And as in respect to baptism, the elders, jointly with the pastor, determine who shall be admitted to this ordinance; yet the pastor only administers it; so in ordination—the whole Presbytery determine the fitness of the candidate, but only the ministers present induct into office. This, we believe, has been the universal practice under this rule; and that this usage was intended by the framers of the book seems probable from the fact that in the form of induction those aiding in the service are directed to extend to the new minister their right hands, saying, "*We give you the right hand of fellowship to take part of this ministry with us*." This language manifestly implies that those welcoming him do themselves occupy places in that ministry to which they welcome him. The Committee therefore recommend that the question be answered in the negative.—1860, p. 242, N. S.; 1890, p. 113. See also under Chap. xv, Sec. xiv, Form of Government, p. 439, 3.

11. Ruling elders may not administer sealing ordinances.

The Committee on Bills and Overtures reported as follows:

An *Overture* from the Presbytery of Peoria, on the authority of ruling elders to administer sealing ordinances: The Committee recommend that they be referred to the Standards, Directory for Worship, Chap. viii, Sec. i, and Chap. ix throughout—1870, p. 22.

12. A ruling elder moderator may not propound the Constitutional questions at a licensure.

Paper No. 122 from the Presbytery of Newark inquiring if a ruling elder who is a moderator of a Presbytery is legally competent to propound the Constitutional questions at the licensing of a candidate to preach. The Committee answers this inquiry as follows:

"That in view of the many deliverances of the Assembly upon the subject declaring that an elder is not competent to participate in the ordination of a minister, it would seem that the same is true with regard to licensing, which is the initial step in the process of ordination, and therefore he cannot propound the Constitutional questions at a licensure."—1922, p. 200. See p. 439.

13. Ruling elders may explain the Scriptures and exhort in the absence of the pastor.

On page 10, vol. iv, of these Minutes, Mississippi Synod takes exceptions to the Minute of Louisiana Presbytery; because this Presbytery considers it not inconsistent with the principles of our Church for ruling elders, in the absence of the pastor, to read the Scriptures and explain them, and to endeavor to enforce the truth upon the conscience by suitable exhortations. The Assembly believe the Presbytery of Louisiana were right, according to Chap. xxi, Form of Government.—1856, p. 538, O. S.

14. The proper court to try ruling elders in a given case.

The following question from the Presbytery of Genesee was presented by the Committee on Overtures, viz.:

Common fame accuses two ruling elders of a church (they being the only acting elders) of unchristian conduct, which took place several years ago, but which has lately been made known to the Presbytery with which said church is connected. What is the duty of the Presbytery in the case?

Resolved, That the Presbytery is the competent court to try these two elders, and that it is their duty to cite the offending persons before them, and proceed to issue the case.—1825, pp. 142, 144. [See below under Chaps. ix and xiii.]

15. Ministers are not eligible to the ruling eldership.

[NOTE.—See below, under Chap. xiii, Sec. ii, 9, *a*, *b*, *c*, *d*, *e*, *f*, *g*, p. 380.]

CHAPTER VI.

OF DEACONS.

The Scriptures clearly point out deacons as distinct officers in the Church, whose business it is to take care of the poor, and to distribute among them the collections which may be raised for their use. To them also may be properly committed the management of the temporal affairs of the Church.

1. Their functions.—They have no judicial power.

We need only represent unto you the ends and institution of Scripture deacons, and that there is no juridical power allowed them in the Scriptures. —1716, p. 42.

2. The temporalities of the church may be committed to them.

In answer to the inquiry, "What are the nature and duties of the office of deacon?" we reply: "The answer we conceive to be explicitly given in our Form of Government, Chap. vi. Their duties there are plainly made to consist in distributing the charities of the church to which they belong to the poor of that church. Over charities collected for any other purpose than those specified, their office gives them no control. In addition to this, the temporalities of the church generally may be committed to their care.—1833, p. 405.

[Note.—See Report of the Special Committee on Church Temporalities, 1896, pp. 183–186. See, also, for powers of deacons as trustees, under Trustees, on p. 496.]

3. The appointment of deacons urged.

Overture from the Presbytery of Pittsburgh, on the subject of deacons. The Committee recommend—in response to the Memorial regarding the functions of deacons, and requesting that, in respect to the care of the poor, their business be so defined as not to exclude the poor and the sick *outside the Church*—the adoption of the following resolutions:

Resolved, 1. That the Assembly regards the office of deacon as providing proper Scriptural and feasible means for such exercise of charity, as will aid in extending the influence of the Church among the poor, and opening the way for more direct spiritual ministrations.

Resolved, 2. That the Assembly, rejoicing in all that is accomplished by others, express their most decided approval of all institutions for the care of the poor and sick, conducted by Presbyterians, and regarding with pleasure their increasing number, earnestly advises their multiplication.

Resolved, 3. That the Presbyterian Church has always recognized the office of deacon; and the Assembly renewedly call the attention of the churches to the provisions of the Form of Government in the case. [See Form of Government, Chap. xiii, Sec. ii.]—1871, pp. 588, 589; also, 1840, p. 286, O. S.; 1841, p. 418, O. S.; 1856, p. 535, O. S.

4. May a person at once be deacon and elder?

a. *Resolved,* That while it is important and desirable that the several offices in the Christian Church should be kept distinct, and be sustained by different individuals wherever a sufficient number of competent men can be found, yet in the opinion of this Assembly it is not inconsistent with the Constitution of the Presbyterian Church, nor with the precedent furnished in filling the office of deacon at its first institution, that where a necessity exists, the same individual should sustain both offices.—1840, p. 306, O. S.

b. *Overture,* being a Petition from Rev. Moses D. A. Steen, asking the following question:

When a deacon in any church is elected and installed a ruling elder in the same church, does he cease to exercise the functions of his office as deacon?—*Answer.* Not necessarily. See Moore's *Digest,* 1886, p. 119.—1880, p. 56.

5. Deacons may distribute the bread and wine at the Communion.

a. *Overture,* asking, "Is it in accordance with Presbyterian law and usage that deacons distribute to the church members the bread and wine in the sacrament of the Lord's Supper?" The Committee recommend that the Assembly answer "*Yes,*" and refer to the *Digest,* 1873, p. 119.—1874, p. 84; 1867, p. 497, N. S.

b. Is the action taken by the Assembly of 1874, p. 84, of *Minutes, Overture No. 25,* to be interpreted as directing that the serving of the elements at the Lord's Supper belongs indifferently to the elders and deacons?

Your Committee would respectfully recommend the following reply: The above question is answered on p. 119 of Moore's *Digest*, which says that, "Inasmuch as we have no rule in relation to the subject, the matter is referred to the discretion of the Sessions of the churches."—1877, p. 516.

6. To the deacons belongs exclusively the control of funds for the poor.

1. Has the church Session any original or direct control over the management and distribution of the fund collected and in the hands of the deacons for the benefit of the poor of the church?
2. Or does the management of this fund belong exclusively to the deacons?
3. If the Session has any control over this fund, what is the nature and extent of that control?

The Committee recommend that the first inquiry be answered in the negative, the second in the affirmative, and that the third be answered, "They may advise respecting the use of funds."—1857, p. 24, O. S.

7. Deacons may not represent the church in church courts.

The Record [Synod of Buffalo], p. 156, would lead to the belief that a deacon of the Church was admitted to a seat in Synod, which, if so, is in violation of the principles of our Church government.—1860, p. 34, O. S. [See p. 90, 1 above.]

[Note.—For questions pertaining to the election, ordination and installation of deacons, see this *Digest*, Form of Government, Chap. xiii, Secs. ii, viii.]

CHAPTER VII.

OF ORDINANCES IN A PARTICULAR CHURCH.

The ordinances established by Christ, the head, in a particular church, which is regularly constituted with its proper officers, are prayer, singing praises, reading, expounding and preaching the word of God; administering Baptism and the Lord's Supper; public solemn fasting and thanksgiving, catechizing, making collections for the poor and other pious purposes; exercising discipline, and blessing the people.

[Note.—See under Directory for Worship, Chaps. iii, iv, v, vi, vii, viii, xiv and xv. The subject of collections for pious uses has occupied much of the attention of the Assemblies for many years. In 1854 the Assembly, O. S., issued an address at once comprehensive and exhaustive. See Baird's *Digest*, pp. 174–180.]

CHAPTER VIII.

OF CHURCH GOVERNMENT, AND THE SEVERAL KINDS OF JUDICATORIES.

I. It is absolutely necessary that the government of the Church be exercised under some certain and definite form. And we hold it to be expedient, and agreeable to Scripture and the practice of the primitive Christians, that the Church be governed by Congregational, Presbyterial, and Synodical Assemblies. In full consistency with this belief, we embrace, in the spirit of charity, those Christians who differ from us, in opinion, and practice, on these subjects.

II. These assemblies ought not to possess any civil jurisdiction, nor to inflict any civil penalties. Their power is wholly moral or spiritual, and that only ministerial and declarative. They possess the right of requiring obedience to the laws of Christ; and of excluding the disobedient and disorderly from the privileges of the Church. To give efficiency, however, to this necessary and scriptural authority, they possess the powers requisite for obtaining evidence and inflicting censure. They can call before them any offender against the order and government of the Church; they can require members of their own society to appear and give testimony in the cause; but the highest punishment to which their authority extends, is to exclude the contumacious and impenitent from the congregation of believers. (See pp. 56, 57.)

1. Union of Church and State disavowed. Relation to the State.

The Committee to whom was recommitted the Report on the reference from the Presbyteries of Madison and Lancaster, reported, and their Report was adopted, and is as follows, viz.:

That said Presbyteries invite the attention of the General Assembly to certain slanderous reports extensively circulated against the Presbyterian and other denominations, involving the charge of an attempt on the part of these denominations to unite Church and State, and thus subvert the civil institutions of our country, and intimate their desire that this Assembly would take order on the subject, and by some public act disabuse *themselves* and *their* constituents of such unfounded and injurious imputations.

In the opinion of your Committee no public act is necessary on the part of this Assembly to refute a charge wholly unsupported by testimony and facts; nor any exposition of their principles in relation to civil magistracy and the claims of the Church demanded, other than that contained in our acknowledged ecclesiastical Standards, and published to the world. For the better information, however, of any who may be in danger of imposition from unfounded statements, the Assembly would refer to the following exhibition of their principles as contained in the accredited Constitution of the Church. (See p. 31.)

"God, the supreme Lord and King of all the world, hath ordained civil magistrates to be under him over the people, for his own glory and the public good, and to this end hath armed them with the power of the sword, for the defense and encouragement of them that are good, and for the punishment of evildoers.

"It is lawful for Christians to accept and execute the office of magistrate, when called thereunto; in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth, so, for that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions.

"Civil magistrates may not assume to themselves the administration of the Word and Sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner, that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretense of religion or infidelity, to offer any indignity, violence, abuse, or injury, to any other person whatsoever; and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

"It is the duty of the people to pray for magistrates, to honor their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity or difference in religion doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him; from which ecclesiastical persons are not exempted; much less hath the Pope any power or jurisdiction over them in their dominions, or over any of their people; and least of all, to deprive them of their dominions or lives, if he shall judge them to be heretics, or upon any other pretense whatsoever."*

"Synods and councils are to handle or conclude nothing, but that which is ecclesiastical; and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition, in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate."†

"That God alone is Lord of the conscience, and hath left it free from the doctrine and commandments of men, which are in anything contrary to his word, or beside it, in matters of faith or worship. Therefore they consider the rights of private judgment in all matters that respect religion, as universal and unalienable. They do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others."‡

Such are the Constitutional principles of the Presbyterian Church in these United States. They were our fathers' principles before and during the revolution, which issued in the consummation of our liberty and independence, and under the influence of which they prayed, and fought, and bled, by the side of the father of our country. They have been the principles of their descendants ever since. They are our principles still, adopted from conviction, to whose support we have pledged ourselves under the most solemn sanctions, and by the preservation of which we believe that the common interests of evangelical religion and civil liberty will be most effectually sustained.

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*Confession of Faith, Chap. xxiii.

†*Ibid.*, Chap. xxxi, Sec. iv.

‡Form of Government, Chap. i, Sec. ii.

In closing this statement the Assembly would affectionately and earnestly exhort the members of their communion that in the fulfillment of their civil and religious duties they watch against all unhallowed feelings, and that they suffer reproach meekly, not rendering railing for railing, nor evil for evil, but by patient continuance in well-doing, they commend themselves to every man's conscience in the sight of God.—1830, pp. 299, 300. [See also *Minutes*, 1873, pp. 502, 503.]

2. Right of any judicatory to bear testimony against erroneous and injurious publications.

Resolved, That in the judgment of this General Assembly it is the right, and may be the duty, of any judicatory of our Church to take up, and if it see cause, to bear testimony against any printed publication which may be circulating within its bounds, and which, in the judgment of that judicatory, may be adapted to inculcate injurious opinions; and this whether the author be living or dead, whether he be in the communion of our Church or not, whether he be a member of the judicatory expressing the opinion or of some other. A judicatory may be solemnly called upon to warn the churches under its care, and especially the rising generation, against an erroneous book while the author may not be within their bounds, or immediately responsible at their bar, and while, even if he were thus responsible and within their reach, they might not think it necessary to arraign him as a heretic. To deny our judicatories, as guardians of the churches, this right would be to deny them one of the most precious and powerful means of bearing testimony against dangerous sentiments, and guarding the children of the Church against "that instruction which causeth to err." The writer of such a book may reside at a distance from the neighborhood in which his work is circulating and supposed to be doing mischief, or he may be so situated that, even if it be proper to commence process against him, it may not be possible to commence, or at any rate, to issue that process within a number of months. In the meanwhile, if the right in question be denied, this book may be scattering poison without the possibility of sending forth an effectual antidote. Indeed, it may be indispensably necessary in cases which may easily be imagined, to send out such a warning, even though the author of the book were fully acquitted from the charge of heresy.—1835, p. 485.

3. Duty of obedience to and enforcement of law.

We therefore recommend:

1. That the action by the Board of Christian Education in instructing the Department of Moral Welfare to devote its attention during the coming year and within our own constituency to an intensive program of education upon the duty of obedience to and the enforcement of law be commended.
2. That Sunday, June 30th, the Sunday before the anniversary of the Day of Independence, be set aside as National Loyalty Sunday and that all pastors and churches be urged to observe this day as an occasion for the presentation of this appeal to their members and for the offering up of earnest prayer that Almighty God may turn the hearts of our people to righteousness.
3. And in line with the action of the General Assembly in establishing the National Service Commission, when the World War burst upon us, to

wait upon the President and other members of the Government and assure them of our hearty coöperation, and to rouse the Church, through public meetings and by other means, we recommend:

That the General Assembly appoint, through its Moderator, who shall be Chairman of the Commission, a National Loyalty Commission of from ten to twenty-five members, to serve during the present year (a full report of its activities to be made to the next General Assembly) for the two-fold purpose, first, of giving encouragement to the President of the United States in carrying out the policies he has so courageously announced in behalf of the observance and enforcement of law; and, second, of quickening the conscience of our own people to observe the law themselves, both on the ground of their duty as citizens, and their responsibilities as Christians.

It was directed that the Commission receive from the General Assembly the expenses incident to the initial meeting of the Commission to be held preferably in the city of Washington, D. C.—1929, p. 78.

4. Temperance and law enforcement.

That the General Assembly reaffirms its hearty endorsement of the program of education for Temperance and Law Enforcement now being carried out by the Board of Christian Education, and,

That the General Assembly expresses the conviction that the Board of Christian Education should expand its own church program of temperance education, and promote a revived public interest in temperance education through the school and other agencies, and, that the General Assembly recommends to the Board of Christian Education that additional emphasis be given to its program for the enforcement of law, having in mind that such a program must seek:

To make clear the meaning of and necessity for law and the observance of law.

To point out the need for the simplification of court procedure, that justice may be without delay.

To clarify in the minds of our people the more serious situation confronting us through the increasing ignorance of the principles upon which our institutions are based and through the growing disregard for law in the working out of our democratic ideal as the foundation of our nation.—1930, p. 67.

5. Judicial authority cannot be granted to bodies other than those established by the Constitution.

Overture from Rev. John H. Morrison, the Moderator of the Second Council of the Presbyterian Alliance of India, asking the Assembly, in behalf of the Council:

1. To recognize its judicial authority, so far as to authorize it to decide finally cases of appeal in matters of discipline referred to the Alliance by the parties concerned, in accordance with the rules of their respective churches, in regard only to native churches, office-bearers, and ministers.

2. To grant a part of the Church's outlay in India (the precise portion to be settled by correspondence with the Boards of other Presbyterian bodies concerned in its support) for the maintenance of an efficient theological college at Allahabad, which shall have a staff of at least three

ordained professors, under the control of the Presbyterian Alliance of India, for the training of young men for spiritual work.

It is not asked, in behalf of the Alliance, that any legislative powers should be given them, or any judicial authority to deal with cases of heresy, until such times as a common standard of faith and polity has been adopted by all the native Presbyterian bodies of India.

In response to these requests, and in view of the important statements made by the Council that the "twelve Presbyterian churches now represented in India are all Presbyterian in government and Calvinistic in doctrine,"

The Committee recommend:

1. That this Assembly renew the approval, by the Assembly of 1879, of the confederation of the churches and ministers connected with the Synod of India, with other similar bodies holding the same faith and order, not only so far as regards periodical meetings for friendly consultation for the advancement of the Redeemer's kingdom in that land, and the promotion of brotherly coöperation among the Presbyterian bodies in India, but also for the purpose of forming organic relations with each other, so soon as, in the providence of God, the way may seem clear for more united and efficient work in that great field of Christian evangelization.

2. That this Assembly renew, also, the judgment of the Assembly of 1879, that, for purposes of representation only, the ministers, both foreign and native, connected with the Synod of India, retain their connections with their respective Presbyteries, so as to be entitled to vote in the appointment of Commissioners to the General Assembly, and so as to be able to conduct all their ecclesiastical affairs in a constitutional and orderly manner, especially until such times as a common standard of faith and polity shall be adopted by the churches represented in the Presbyterian Alliance of India.

3. Inasmuch as the Synods have now been made judicatories of the last resort in all cases of appeal "not involving the Constitution or doctrine of the Church," the Committee recommend, that the Assembly declare, that the request to confer judicial authority on the Presbyterian Alliance, to decide cases of appeal in matters of discipline not involving cases of heresy, cannot be granted in accordance with the Constitution.—1881, pp. 589, 590. (See 1879, p. 620.)

[Note.—See below, under Form of Government, Chap ix, Sec. i, 2.]

6. Laymen on ecclesiastical committees.

(1) The General Assembly of 1913 referred to the Executive Commission for consideration and report to the next General Assembly the following request which had been submitted to the Committee on Christian Life and Work by members of different ecclesiastical organizations, viz.:

"Does communicant membership in the Presbyterian Church in the U. S. A. constitute eligibility for service upon committees appointed by ecclesiastical bodies, or must such committees be composed exclusively of ministers and ruling elders?" (*Minutes*, 1913, p. 298.)

This question has been answered very definitely concerning the ordained officer of the church, whether or not in active service, by the General Assembly of 1896, when in answer to *Overture No. 58* from the Presbytery of Cincinnati, it was decided that:

"A Presbytery may not place unordained men on its standing or permanent committees." (*Minutes*, General Assembly, 1896, p. 145.)

The principle here announced is unmistakable and final as to our superior ecclesiastical bodies. The limitation mentioned in the question might seem to imply that such appointment of unordained men might be proper in the case of special committees. It is undoubtedly true that the Church loses much valuable service, in special instances, that might be rendered by unordained men. It is in the power of an ecclesiastical body to *request* such individual service on an extraordinary occasion. But such service if encouraged might very readily lead to confusion and harmful laxity of administration. The constituent elements of these higher ecclesiastical bodies are ordained men. The relation is distinct, the authority necessary and recognized, and the work is official administration. While the ecclesiastical organization in the Presbyterian Church, therefore, may on occasion request service from, it cannot appoint the unordained man to the work of Constitutional administration.

The question submitted to the Commission, however, has practical relations to the Sessions of the churches, as well as to the higher judicatories. Comprehensively in answer to the question submitted, the conclusions reached as to all the judicatories of the Church and as to the agencies of the Assembly are:

1. That the Church Session may appoint communicant members upon committees of the congregation.
2. That Presbyteries, Synods and the General Assembly can appoint only ordained men on Committees.
3. That on the Boards of the General Assembly, when permitted by law, unordained men who are communicants may be appointed.—1914, p. 194.

(2) *Petition 1*, to be answered as follows: that while your Committee is of the opinion that there are no legal obstacles to such action in the Presbyterian Church, that this Petition be referred to the General Council for careful consideration as to the advisability of such action.—1928, p. 70.

Petition 1. Concerning Laymen on Ecclesiastical Committees—from the Presbytery of Cincinnati.

"Whereas, The Presbytery of Cincinnati, at its stated meeting in February, adopted a plan for a 'National Missions Organization,' the said organization to be incorporated as a 'Board of National Missions and Church Extension of the Presbytery of Cincinnati,' under the direction and control of the Presbytery, and,

Whereas, In order that there may be no doubt as to the constitutionality of a provision in the plan, according to which 'Laymen' may be elected to membership on said Board, such doubt, if any, resting on a deliverance of the General Assembly, recorded in the *Digest*, 1922, Vol. I, pp. 104, 105, therefore,

Resolved, That the Presbytery of Cincinnati, in session at its stated meeting, March 19, 1928, petition the General Assembly to convene in Tulsa, Okla., in May, to clarify certain statements contained in said deliverance. There seems to be no doubt of the right of a Presbytery to send to the General Assembly such a petition, since the Assembly has declared 'that a Presbytery has the undoubted right of petition to the General Assembly, as to all matters relating to the polity of the Church. (See *Digest*, 1922, Vol. I, p. 282.)

The Petition

To the General Assembly of the
Presbyterian Church in the U. S. A.,
Meeting in Tulsa, Okla., May 24, 1928.
Fathers and Brethren:

The Presbytery of Cincinnati is planning for a decided forward movement in church extension work. A careful study has been made of the most successful plans of various Presbyteries located in our large cities. It has been found that some of these Presbyteries are using 'unordained men' to fine advantage in their extension work. The Presbytery of Cincinnati has a considerable number of outstanding 'unordained men,' communicants of the Church, men who are leaders in civic and business affairs.

In order that the Presbytery may avail itself of such talent and influence it has provided for the appointment of a Board 'composed of six ministers and fifteen laymen,' to be incorporated under the law of the state, as a 'Board of National Missions and Church Extension of the Presbytery of Cincinnati.'

The attention of the Presbytery has been called to a deliverance of the General Assembly, recorded in the *Digest* [1922], Vol. I, pp. 104, 105, with reference to 'Laymen on Ecclesiastical Committees,' in which it is held that 'a Presbytery may not place unordained men on its standing or permanent committees.' The Presbytery of Cincinnati desires to know whether this declaration is to be construed as forbidding a Presbytery to place 'unordained men' on a Board incorporated under state law.

It is also affirmed in this deliverance of the General Assembly 'that on the Boards of the General Assembly, when permitted by law, unordained men who are communicants may be appointed.' The Presbytery of Cincinnati desires to know whether a Presbytery may follow the rule laid down for the General Assembly, when in the judgment of the Presbytery, and 'when permitted by law,' 'unordained men' can be used to great advantage on an incorporated Board charged with the church extension work in the Presbytery.'"—1928, p. 32.

(3) *Reference II.* The following was recommended as the answer of the General Assembly to Petition No. 1 from the Presbytery of Cincinnati to the General Assembly of 1928.

Petition No. 1, concerning Laymen on Ecclesiastical Committees, from the Presbytery of Cincinnati, was referred by the 1928 General Assembly to the General Council for reply. The specific question asked by the Presbytery of Cincinnati was, "The Presbytery of Cincinnati desires to know whether a Presbytery may follow the rule laid down for the General Assembly, when in the judgment of the Presbytery, and 'when permitted by law'—'unordained men' can be used to great advantage on an incorporated Board charged with the church extension work in the Presbytery."

The General Council recommends the following reply:

The Presbytery of Cincinnati in formulating this question has evidently phrased it in the light of a deliverance of the 1914 General Assembly (see Minutes, p. 194) which deliverance concludes as follows:

"Comprehensively in answer to the question submitted, the conclusions reached as to all the judicatories of the Church and as to the agencies of the Assembly are:

1. That the church session may appoint communicant members upon committees of the congregation.

2. That Presbyteries, Synods and the General Assembly, can appoint only ordained men on Committees.

3. That on the Boards of the General Assembly, when permitted by law, unordained men who are communicants may be appointed."

In the light of this deliverance it would seem that the inquiry from the Presbytery of Cincinnati should be answered in the affirmative.

In giving this answer to said inquiry of the Presbytery of Cincinnati, we should, however, add the following statement that the significance of our reply may be clearly defined. Presbyteries, Synods and the General Assembly can appoint only ordained men on committees because such committees are charged with strictly ecclesiastical business and functions. The General Assembly has erected Boards and has elected thereto other than ordained men because the functions and powers of said Boards are purely administrative, and under its supervision and direction.

For example, the following is Section 5 of the 'Act Incorporating the Board of National Missions of the Presbyterian Church in the United States of America.' 'The business and affairs of the corporation hereby created shall, subject to the supervision and direction of said General Assembly, be managed and conducted by a board of directors (hereinafter referred to as the Board) consisting, except as increased or decreased by said General Assembly, of forty members of said corporation, divided between ministers and laymen and men and women as said General Assembly may from time to time authorize and prescribe, to be chosen and elected by said General Assembly, which may at any time increase or decrease their number. The members of said Board shall be divided into three classes, each class to consist, as nearly as may be of one third of the total number of members; and at the first meeting of said General Assembly after the passage of this act, one class shall be elected for one year, another class for two years, and the third class for three years, and at each succeeding annual session of said General Assembly thereafter, members shall be elected for three years for the class whose term will then expire. Any vacancy in any Assembly shall be filled by the Board, and reported to said General Assembly at its session next thereafter. Until their successors are elected, the persons named in section one hereof shall constitute said Board.'

Synods and Presbyteries of our Church may authorize the erection of Church Erection Boards provided in their charter or Articles of Incorporation the relations are established which are embodied in Section 5 of the 'Act of Incorporation of the Board of National Missions.'

It is to be noted that in the above section the business and affairs of the corporation thereby created are made subject to the supervision and direction of the interested judicatory. Furthermore, the members of the Board are chosen and elected by said interested judicatory. These two provisions we consider as absolutely essential to the establishment and maintenance of the proper relationship between the interested judicatory and its Church Extension Board, and unless these two requirements are embodied in the Charter and Articles of Incorporation of said Church Extension Board we deem said Charter or Articles of Incorporation to be out of harmony with the fundamental principles embodied in the Constitution of the Presbyterian Church in the United States of America.

All of the Boards of the General Assembly have in their Charters or Articles of Incorporation provisions similar to that above quoted from the 'Act of Incorporation of the Board of National Missions.' Said Act has been quoted in part above, however, because the Board of National Missions bears in general the same relationship to the General Assembly as that which the Church Extension Board would bear to the Presbytery.—1929, p. 149.

III. In these assemblies only members thereof who are personally present are entitled to vote.

CHAPTER IX.

OF THE CHURCH SESSION.

I. The church session consists of the pastor or pastors and ruling elders, of a particular congregation.

1. A special Session unconstitutional. An offender must be tried by the Constitutional judicatories.

a. The Presbytery of Miami did appoint a special Session composed of elders belonging to different congregations, for the purpose of trying Mr. Lowrey, and the decision of such a special Session was affirmed by the Synod of Ohio; therefore,

Resolved, That the Appeal of Mr. Lowrey be sustained, and it hereby is sustained; and that all the proceedings in the case be, and they hereby are reversed, on the ground that the appointment of such a special Session is entirely unconstitutional; and if Mr. Lowrey has done anything offensive, he ought to be tried by the courts that have been instituted by the Constitution of our Church.—1823, p. 92. (See pp. 226, 262.)

b. This Assembly concur in opinion with the last General Assembly, that the special Session appointed by the Presbytery of Miami for the trial of S. Lowrey was an unconstitutional court, and that all the proceedings of that body in this case, and of the Presbytery of Miami and of the Synod of Ohio, sanctioning the acts of that body, are irregular. And the allegation of the Synod in their Memorial that this body, though called a Session, was, in reality, no more than a Committee of Presbytery, is incorrect, for they are not only denominated a Session, but they performed the acts which belong peculiarly to a church Session; they sat in judgment upon a member of the church and an elder, and condemned and suspended him; but no Presbytery has authority, according to the Constitution of our Church, to delegate to a Committee a power to perform such acts as those.—1824, p. 115.

c. The Committee appointed to examine the Records of the Synod of Ohio reported. The Report was adopted, and is as follows, viz.:

That the Minutes be approved to page 191, with the exception of the Minutes on page 169, where a select Session was appointed by the Presbytery of Miami, which, in the judgment of the Assembly, was unconstitutional, and of which the Synod has taken no notice.—1824, p. 117.

d. *Overture* from the Presbytery of Kaskaskia, asking the General Assembly to make provision for the calling of special sessions of ruling elders from neighboring churches to obviate delays in cases of discipline for want of quorums of church Sessions.

The Assembly can afford no relief of the nature proposed to the difficulties contemplated.—1860, p. 28, O. S.

[NOTE.—See 1 above.]

2. A Session may consist of foreign missionaries.

As to the matter of reception and discipline of members, answer is made that the Session of each church is vested, under the Form of Government, with full power in regard thereto. In the absence of ordained elders a Session may consist of the missionaries in charge of the work on a foreign field.—1896, p. 147.

3. An elder may not adjudicate in any church in which he is not an elder.

Overture No. 14, viz., the following question from the Presbytery of Salem, "Has a ruling elder in any case a legal right to adjudicate in another church than that of which he is an elder?" was taken up and decided in the negative.—1831, p. 324.

[NOTE.—For modification, see pp. 226, 261, 7.]

4. A minister may not sit as a corresponding member of Session nor be assigned as counsel for the accused.

May a Session of a church invite a minister of the Gospel belonging to the same Presbytery or Synod to which the church belongs to sit as a corresponding member of said Session? and when so invited, may such minister, at the request of an accused brother, be assigned as counsel for the accused?

The Committee recommended that both questions be answered in the negative, and the Report was adopted.—1851, p. 20, N. S.

[NOTE.—See the definition of the Church Session, Chap. ix, Sec. i.] (See p. 101.)

5. Elders must be ordained. Neglect of ordination invalidates decisions.

The Committee on Church Polity reported two questions with the recommendation that they be answered in the negative:

a. Is an elder-elect a member of the Session, and competent to sit in a judicial case before he has been ordained according to the Form of Government?

b. Would a decision in a case of discipline, made by a Session whose members have never been ordained according to the Form of Government, Chap. xiii, be a valid and lawful decision, and binding upon the accused?—1868, p. 58, N. S.

[NOTE.—See this *Digest*, under Form of Government, Chap. xiii, Secs. iii, iv.]

II. Of this judicatory, two elders, if there be so many, with the pastor, shall be necessary to constitute a quorum; unless the elders number nine or more, when one third of the elders, with the pastor shall be necessary to constitute a quorum.

[NOTE.—See 3, below.]

1. A minister with one elder, if there be but one, may constitute a quorum.

a. The inquiry, which is in these words, "Can a minister with one elder form a Session capable of transacting judicial business?" is sufficiently answered in the Constitution, Form of Government, Chap. ix, Sec. ii, where it seems to be implied that cases may occur with infant or feeble churches, in which it would be impracticable for a time to have more than one elder, and yet be necessary to perform acts of a judicial character.

For such the Constitution provides; but if there be more than one elder, then two at least, with a minister, are necessary to form a Session. —1836, p. 521; 1892, p. 188.

b. A request from the Presbytery of Muncie, that the Assembly take the necessary steps for procuring such an alteration in the Form of Government, as will enable a minister and one elder to perform Sessional acts, when the other elder shall, in the judgment of the Presbytery, be from any cause incompetent to act in the case.

The Committee recommended to the Assembly to adopt the following Minute: *Resolved*, That no alteration of our Constitutional rules is needful to secure the ends of discipline, in the premises.—1852, p. 210, O. S.

2. A single elder may constitute the Session.

To advise that, if Mr. Armstrong, as alleged, refuses to act as a ruling elder, and has left the church, Mr. Chandler constitutes the Session of the First Church of Wilmington, and is entitled to act as such.—1869 p. 911, O. S.

3. Where elders are non-resident, the remaining members authorized to act.

Overture from the Presbytery of Wellsborough, asking, "What is and will be the legal quorum of the Mt. Jewett Session, where of the three elders two are non-resident and their residences unknown, and there is no prospect of securing additional elders in the future?"

The Committee recommend that the pastor and the one elder actually "in the congregation" be recognized under existing circumstances, and so long as the present condition of affairs may continue, as the legal quorum of the Session. See *Minutes* of the General Assembly, 1836, p. 521.—1892, p. 188.

4. A church without pastor or elders must look to Presbytery for advice and direction.

Overture No. 64, from the Presbytery of Westchester, propounding interrogatories as follows:

When a church has lost all its elders by death, removal or resignation, and cannot find suitable persons to fill the vacancies thus made, can such a church elect and call a minister and consummate the pastoral relation?

It is recommended that answer be returned as follows:

The church can act only under the oversight and with the advice and direction of Presbytery.—1916, p. 244. (See pp. 226, 261, 7.)

5. Interpretation of rule of quorum when elders number nine or more.

The following interpretation of Chapter ix, Section ii, Form of Government, is recommended to the General Assembly:

In view of the number of inquiries which have come to the Stated Clerk of the General Assembly from church sessions concerning the interpretation of Form of Government, Chapter ix, Section ii, it is recommended that the General Assembly advise church sessions to determine the number necessary to constitute a quorum upon the principle established in Form of Government, Chapter xii, Section ii, in connection with commissioners to the General Assembly; namely, a fraction greater than one half of the divisor—three, shall be regarded as the equivalent of three, and a fraction less than one half of the divisor—three, shall be regarded as negligible; e.g., in a session in which there are fourteen members, the quorum is five; in a session in which there are thirteen members, the quorum is four.—1929, p. 156.

6. Less than a quorum incapable of any organic act.

The law of a quorum is not a mere rule of procedure, a provision of order, but a matter respecting the very being of the judicatory. Any number of members less than a Constitutional quorum do not make a judicatory, and are not competent to any organic act.—1861, p. 456, N. S.

[Note.—See, also, this *Digest*, under Form of Government, Chap. x, Sec. vi, 3, a p. 146, defining the Law of a Quorum.]

7. Official acts of Session can be performed only when it is regularly convened. Prayer in opening and closing recommended.

The Committee on the Polity of the Church reported:

Overture from the Stated Clerk, representing the Presbytery of Boulder, inquiring:

1. Wherein consists the distinction between an "informal" meeting of a Session and a "regular" meeting?

2. Ought the acts of informal meetings to be entered on the Records before they have been ratified in a regular meeting?

3. Is it regular to receive members to the church, especially on a profession of their faith, or to appoint delegates to the Presbytery or the Synod, at such informal meetings of Session?

4. Ought not the validity of an elder's seat in the superior judicatories to be determined by the record of his due appointment at a regular meeting of the Session; and in the absence of such a record might not an elder, in a test case involving important issues, be denied his seat Constitutionally?

5. Ought a Session to send up its Records for review without first reviewing them itself, and formally ratifying any informal acts at a regular meeting? In particular, is it proper that the last entry should be a memorandum acted upon at an informal meeting which can be approved only after the Presbytery has adjourned?

The Committee recommends the following answer:

a. The acts referred to in this Overture are properly official acts, which the judicatory is competent to perform only when regularly convened, and making due record of its proceedings. (See Form of Government, Chap. ix, Secs. i, ii, iii, iv, v, vii, viii.)

b. While the act of opening and closing the meetings of a Session with prayer is not enjoined by the Constitution, this Assembly, in accordance with the views expressed by the Assembly of 1877, judges it to be in harmony with the spirit of the Constitution and the prevailing usage of the Church to observe this solemnity at all meetings of record, except that the opening prayer may properly be omitted after a divine service.—1884, p. 113.

8. The Session has discretion as to the circumstances under which a meeting should be opened and closed with prayer.

The Judicial Commission appointed to hear and issue "The Complaint of the Revs. R. Conover and C. H. Little and Elder W. B. Rundell, against the action of the Synod of Illinois, for refusing to sustain the Complaint of Rev. R. Conover against the action of the Presbytery of Bloomington in placing upon the Records of various church Sessions at their stated meeting, April 15, 1891, exceptions to the Records, because 'they did not always open and close their meetings with prayer,'" reports its finding in the case as follows:

Finding.—The Constitution of the Church requires that every judicatory above the church Session shall be opened and closed with prayer.

The General Assembly has declared that, "While the act of opening and closing the meetings of a Session with prayer is not enjoined by the Constitution, it judges it to be in harmony with the spirit of the Constitution, and the prevailing usage of the Church, to observe this solemnity at all meetings of record, except that the opening prayer may properly be omitted after a divine service" (1877, p. 575).

It is obvious, therefore, that the Session has discretion as to the circumstances under which any given meeting may be opened and closed with prayer.

This Commission, therefore, find that the Complaint is sustained by the Constitution of the Church, and the judgment of the Synod is hereby reversed.

The effect of this is to remove the exception placed on the Session Records, which exception is of the nature of a judicial censure.

The Report was received, and its judgment ordered to be recorded.—1892, pp. 212, 213.

III. The pastor of the congregation shall always be the moderator of the session; except when, for prudential reasons, it may appear advisable that some other minister should be invited to preside; in which case, the pastor may, with the concurrence of the session, invite such other minister as they may see meet, belonging to the same presbytery, to preside in that case. The same expedient may be adopted in case of the sickness or absence of the pastor.

1. A pastor-elect not moderator or stated supply by virtue of the call in progress.

Overture from the Presbytery of Erie, presenting two questions: (1) When a minister has accepted a call to a congregation, said call having been placed in his hands by the Presbytery, is he *ex-officio* moderator of the Session of that congregation previous to his installation?

The Committee recommend this answer: A pastor-elect is not moderator *ex-officio*, as he yet has no official connection with that church. But he may become moderator, if a member of the Presbytery under whose care the church is, by invitation of the Session or by appointment of Presbytery.

(2) "Is such a pastor-elect stated supply previous to his installation? Or is it in the power of the Presbytery to appoint other supplies?" We recommend this answer: He is not stated supply by any virtue of the call in progress; and the Presbytery may appoint supplies or give the Session permission to supply the pulpit.—1880, p. 45.

[NOTE.—See under Chap. iv, above, p. 85.]

2. Who may moderate a Session in the absence of a pastor?

[NOTE.—In a case substantially described in the answer given below the Presbytery of the District of Columbia overtured the Assembly for answer to the above question.]

The Committee recommended the following response, which was adopted:

The question proposed is limited to specified circumstances—namely, "In the absence of the pastor," and "the great inconvenience of procuring a moderator," "having no ordained minister of the same Presbytery residing within forty miles."

The Form of Government, Chap. ix, Sec. iii, provides that, in "case of the sickness or absence of the pastor," another minister "belonging to the same presbytery" may be invited "to preside." There is no provision for inviting any minister not "belonging to the same presbytery," to preside over a meeting of the Session, much less any minister of the Word.

Section iv declares it to be "expedient at every meeting of the Session, *more especially when constituted for judicial business*, that there be a presiding minister;" but, after providing for a moderator, "where a church is without a pastor," and, of course, in the case stated, Sec. iii, it adds, "But where it is impracticable, without great inconvenience, to procure the attendance of such a moderator, the session may proceed without it."

The Committee would, therefore, recommend that the answer to the Overture be: That in cases similar to that stated, the Session, under its responsibility to the Presbytery, is the judge of the impracticability of procuring a moderator."—1869, p. 272, N. S. Confirmed 1891, p. 107.

3. Who may moderate Sessions of vacant churches?

Overture No. 47, from the Presbytery of Albany, inquiring whether a Synodical Superintendent, in the exercise of his office toward the feeble churches, has the right, by virtue of his appointment by Synod, to act as moderator in the meetings of Sessions of other Presbyteries than that to which he belongs, but within the bounds of the appointing Synod; also asking the Assembly to interpret the privileges and prerogatives of a Synodical Superintendent. Your Committee recommend the following reply: (1) The Synodical Superintendent has no right, *ex-officio*, to act as moderator of the Sessions of vacant churches (see Form of Government, Chap. ix, Sec. iv); (2) that the moderator of a vacant church should be of the same Presbytery as the church (see 2, above, and 4, below); (3) that when the Session of a vacant church meets and no moderator from the same Presbytery is present and the Synodical Superintendent is present, a ruling elder should ordinarily preside; (4) that the Synodical Superintendent in this matter occupies the same position as any other minister.—1901, p. 65.

4. Moderatorship of vacant churches not to be exercised by ministers unless of same Presbytery.

Overture No. 249, from the Presbytery of Shenango, asking, "When a pastor at large or field superintendent of Missions is employed jointly by two Presbyteries to look after weak or vacant churches within their bounds, can the Presbytery of which he is not a member confer upon him authority to act as moderator of the Session of one of its churches?" It is recommended that it be answered in the negative. (See Form of Government, Chap. ix, Sec. iii.)—1920, p. 195. See F. of G. Chap. x, Sec. xii.

5. Inquiries concerning the calling of, and presiding over, congregational meetings.

Overture No. 65, from the Jersey City Presbytery, propounding certain interrogatories as follows:

1. "Is it lawful for a congregation, without formal action by the Session or an order of Presbytery, to call a meeting of the congregation for the dissolution of the pastoral relation?" Your Committee answers in the negative.
2. "Is it lawful for a person not an ordained minister, nor a communicant member of the church in question, to preside at such congregational meeting for the dissolution of the pastoral relation?" This also your Committee would answer in the negative.
3. "What Chapter and Sections of the Form of Government shall be interpreted as applying to a pastor resigning a charge, who is not accepting a call to another congregation, and who remains a member of the Presbytery in which he last held a charge, provided that Chap. xvii, Secs. i and ii, of the Form of Government do not apply?" Your Committee's answer to this interrogatory is, they do apply.
4. "Is any exception to be allowed to the rule requiring the presence of some neighboring minister to assist in conducting the election contemplated (of a minister?), unless highly inconvenient on account of distance, as provided in Chap. xv, Sec. ii, of the Form of Government? Has a congregation a right to ask a non-communicant member or any other member to preside in place of a 'neighboring minister'?" The answer your Committee would make to these interrogatories is this: Exceptions in extreme cases are allowable, but it is expected that congregations will ordinarily be moderated by either a "neighboring minister" of the same Presbytery or by one of the Session of the church.
5. "Who can preside at the meeting of the congregation for the election of elders and deacons in a church already organized?" The Committee would answer, in general, a moderator appointed by Presbytery.—1916, p. 245.

6. Must a special meeting of a congregation conform to the requirements of a pro re nata meeting of Presbytery?

Overture No. 60, from Jersey City Presbytery, asking the Assembly to rule that "a special meeting of a congregation must conform to the requirements of a *pro re nata* meeting of Presbytery, as to the specifications of the items of business." Your Committee would reply in the affirmative, bringing the rule for a special meeting of a congregation into conformity with the rule for a special meeting of a Presbytery.—1916, p. 244.

[NOTE.—For earlier decision see *Minutes*, 1915, p. 216.]

7. When another minister acts as moderator the pastor is a member of the Session and may be appointed a prosecutor.

Overture from the Synod of Missouri, asking: Is a pastor a member of a Session when by the action of Session another minister acts as moderator, and is he such a member of the Session that he may be appointed by the Session as prosecutor in a trial of a member? *Answer:* Yes.—1890, p. 47. (See pp. 102, 4; 108, 1.)

IV. It is expedient, at every meeting of the session, more especially when constituted for judicial business, that there be a presiding minister. When, therefore, a church is without a pastor, the moderator of the session shall be, either the minister appointed for that purpose by the presbytery, or one invited by the session to preside on a particular occasion. But where it is impracticable, without great inconvenience, to procure the attendance of such a moderator, the session may proceed without it.

1. Where a minister is the accuser, a minister should preside.

After stating the cause and reading the judgment of the Session, and the Appeal, both parties were fully heard; and the Synod finding, that as the Session had not a minister of the Word to preside through the course of the trial, and that a minister was the accuser of the appellant, it was judged it was at least inexpedient to proceed to trial; and upon the whole we think it best, and do remit the matter back to the Presbytery to be heard and judged of by them *de novo*.—1773, p. 447.

2. Moderator usually to be of the same Presbytery. Session cannot invite minister of another Presbytery.

a. From the Presbytery of Tombeckbee, the question: Is it orderly that a member of one Presbytery moderate a church Session of another Presbytery?—which question the Assembly answered in the affirmative. —1843, p. 198, O. S.

b. 1. Is it orderly for a Session under the care of one Presbytery, to request a minister of another Presbytery to moderate them, without first obtaining leave from their Presbytery?

2. Is it Constitutional for a minister to moderate a Session under the care of a different Presbytery from his own, without first asking and obtaining leave of the Presbytery having jurisdiction over said Session?

Resolved, That the last Assembly, in deciding that a Session may invite a minister who is a member of another Presbytery to sit as their moderator, did not include any of those cases in which it is required either in express terms, or by plain implication [Form of Government, Chap. ix, Secs. iii and iv], that the moderator shall be of the same Presbytery as the congregation; but are of opinion that in cases of a different kind, for which no provision is made, a member of another Presbytery may be invited to act as moderator, if it be found to be expedient.—1844, p. 359, O. S.

c. *Overture* from the Presbytery of Winnebago, asking: "Is it lawful for the Session of a church that is without a pastor, to invite a minister of another Presbytery to moderate its meetings?" *Answer:* No. (See *Digest*, 1886, p. 126, *a, b, c.*)—1891, p. 107.

3. Interpretation asked of phrase—"Impracticable without great inconvenience."

Overture No. 38, from the Synod of Wisconsin, asking for more specific instructions regarding the phrase, "Impracticable without great inconvenience," as used in connection with providing a moderator for a Session of a vacant church, in Chap. ix, Sec. iv, Form of Government.

We recommend that the answer to this Overture be that the clause referred to seems to be sufficiently explicit and free from ambiguity.—1909, p. 190.

V. In congregations where there are two or more pastors, they shall, when present, alternately preside in the session.

VI. The Church session is charged with maintaining the spiritual government of the congregation; for which purpose, they have power to inquire into the knowledge and Christian conduct of the members of the church; to call before them offenders and witnesses, being members of their own congregation, and to introduce other witnesses, where it may be necessary to bring the process to issue, and when they can be procured to attend; to receive members into the church upon profession of faith in Jesus Christ, upon presentation of satisfactory certificate of church membership, or, in the absence of such certificate upon the part of persons coming from other churches, upon re-affirmation of faith in Jesus Christ; to admonish, to rebuke, to suspend or exclude from the Sacraments, those who are found to deserve censure; to concert the best measures for promoting the spiritual interests of the congregation; to supervise the Sabbath-school and the various societies or agencies of the congregation; and to appoint delegates to the higher judicatories of the Church.

[See this *Digest*, Vol. I, Form of Government, Chap. xxiii, p. 480; also Directory for Worship, Chap. x, p. 829.]

1. The Session has original jurisdiction over church members.

a. It [the Assembly] has no power to *commence* a process of discipline with an individual offender. That, by a just and wise arrangement, belongs to the Session in the case of a layman, to the Presbytery in the case of a minister.—1856, p. 200, N. S.

b. *Resolved*, That the church of Genoa be referred to the Minute of the Assembly formed in the case of David Price in the year 1825, from which it will appear that in the judgment of the Assembly, "an admonition" was "deserved" by the said Price in consequence of his unchristian conduct. And it is the judgment of this Assembly that the Session ought immediately to have administered such admonition; that they ought still to administer it; and that if the said Price refuse to submit to such admonition, or do not thereupon manifest repentance and Christian temper to the satisfaction of the church, he ought not to be received into the communion of that or any other Presbyterian church.—1827, p. 203.

c. The Synod [of Genesee] seems to have forgotten the nature and limits of its appellate as distinguished from the original jurisdiction in the case, in that they censure at their bar the appellant in a way competent in any circumstances only to the Session of the church to which the appellant was primarily amenable.—1840, p. 11, N. S.

d. No vote of the congregation of a Presbyterian church can affect the rights of a communing member as such. All such power is vested in the Session.—1866, p. 54, O. S.

2. The Session has oversight of the conduct of church members.

Resolved, That this Assembly warns the churches under its care against the spirit of worldly conformity now prevailing, and reminds the church Sessions that all known departures from the Word of God in all the pleasures and duties of private, social and civil life of their members are under their supervision.—1874, p. 85.

3. Persons encouraging the liquor traffic subject to discipline.

Overtures Nos. 185 to *196*, from the Presbytery of Buffalo and others, asking for a clear and specific deliverance upon the duty of the Session of a church when, in spite of timely and official admonition by a Session, members of said church persist in renting property for, signing petitions, endorsing bonds, and in other ways encouraging the traffic in intoxicating liquors. The Committee unanimously recommend that persons continuing in the renting of property, signing petitions, and endorsing bonds for the encouragement of the liquor traffic are subject to discipline, if such conduct is persisted in after timely admonition.—1906, p. 194. (See p. 535.)

4. The Session has oversight of Young People's Societies.

The General Assembly heartily commends to the loving sympathy and oversight of the pastors, Sessions and Presbyteries of our Church, these various Young People's Associations, and recommends especially that each Presbytery shall appoint a Permanent Committee to coöperate and counsel with them in such ways as the circumstances in each case may indicate as being wise and necessary for the highest interests of all departments of the Church's work and worship.—1891, p. 113; 1893, p. 127.

5. Statement of relation between the individual society and the Church.

This Assembly recognizes as under the jurisdiction of the Church, all Young People's religious organizations of every name, which are to be found within its churches or composed of the members of its churches. The variety in the forms of these organizations cannot affect the substantial relation which they all alike sustain to the Church in her organized capacity. That relation is, in one sense at least, the relation of a child to its mother, and involves thereby mutual obligations. The Church in her courts owes it to her young people to take account of their aspirations and activities, and to provide proper media for the exercise of these; and the young people, on their part, as members of the Church, have a duty of recognizing fully her spiritual authority, implying, as this does, her right to advise with them, and to direct their movements. It is this authority which unites together all Presbyterian churches into one common body, and it must reach to all of its organizations. Such being the case, the Assembly deems it unnecessary to prescribe any specific form of organization for individual Young People's Societies, while it expects them to conform to certain acknowledged principles, both general and particular, as follows:

In *general*, these societies are to be organized and to work in conformity with the historic position of the Church as expressed in her Standards and interpreted by her courts. This historic position of the Church needs to be emphasized to-day with reference to

a. The reverence due to the Word of God as the infallible rule of faith and practice. The Church cannot countenance as teachers of her young people any men in whom she could not repose confidence as teachers of her older people.

b. The honor due to the Holy Spirit in the development of the Christian life, and the emphasis to be placed, under his divine tuition, on the spiritual rather than the formal.

c. The primary authority and inclusive scope of the bows assumed by our members, when they unite with the Church.

d. The chief means for growth in grace and in the knowledge of Christ for our young people, as for our older people, are the divinely appointed ordinances of the sanctuary, including prayer, praise and the reading and preaching of the Word and the administration of the sacraments, under the direction of the ordained ministry.

e. The separation of the Church in its organic capacities from all political creeds and all methods of political action. Our Young People's Societies may not be utilized for the advancement of any political project, however apparently laudable. The Church inculcates upon her members the loyal discharge of their responsibilities as citizens, but, in political matters, leaves it to the individual conscience to determine as to political parties and candidates and platforms.

The *particular* relations of all our Young People's Societies to the Church are sustained, in the first instance, to the Session of a particular church, and thence, through the Session, to the Church at large. Each such society is under the immediate direction, control and oversight of the Session of that church in which it is formed, and that oversight is not merely general, but applies to

a. The constitution of the Society, which the Session must be careful to see is framed in accordance with the general principles named hereinbefore, and the received usages of the Presbyterian Church.

b. The schedule of its services, including the time of meeting, the course of topics, and the general leadership, in order that such services may form an integral part of the work and worship of the Church.

c. The election of its officers to this extent, that each society shall submit for the approval of the Session, the list of those whom it has chosen, lest unsuitable persons should be placed in positions of influence.

d. The distribution of its funds, that the regular benevolent work of the Church, under the care of our Boards, be not allowed to suffer through indiscriminate contributions to miscellaneous objects, which appeal to individual sympathy.—1896, p. 62.

6. A Session may not surrender its powers of control over Church worship, work, and teaching.

Overtures Nos. 185 to *196*, from the Presbytery of Buffalo and others, *Judicial Case No. 3.—The Presbyterian Church of Janesville, Wis., vs. the Synod of Wisconsin.*

In this case the Record shows that the Session of the Church at Janesville inaugurated a so-called organization and rules for a federated church, to be made up of the Congregational and Presbyterian Churches of the City of Janesville. After the plan had been in temporary operation for nearly a year, the Session of the Presbyterian Church called a meeting of the congregation of the Janesville Presbyterian Church in June, 1919, upon one week's notice, to vote on the question as to whether this plan should be continued or not. This meeting was attended by 169 members of the congregation, of which 123 voted in the affirmative and 46 in the negative. Before the vote was taken, the moderator of the meeting, a member of the Session, announced substantially that negative votes would not be counted unless those voting "no" would agree to acquiesce in the result.

The minority then lodged complaint with Madison Presbytery, in a Complaint signed by 49 members of the Church. Madison Presbytery at its meeting in September, 1919, referred the Complaint to a special Judicial Committee, which reported that no legal rights of the complainant had been invaded, and that they were not entitled to relief. Madison Presbytery adopted this Report.

An Appeal was then taken by the complainant to the Synod of Wisconsin and was heard by the Synod at its meeting in October, 1919. The Stated Clerk of Synod announced that a Complaint against Madison Presbytery had been served by certain persons of the Janesville Church and that he had handed the same to the Judicial Committee. (See Minutes, 68th Session, Wisconsin Synod, page 15.) This Committee reviewed the Complaint, read the Records, interviewed the parties concerned and then reported the case to Synod, recommending that the Synod do not sustain the Complaint. (See Minutes of the 68th Wisconsin Synod, page 57.) This Report was adopted. (See Minutes, 68th Wisconsin Synod, page 58.)

From this action of Synod the complainants have filed their Complaint with the General Assembly, and in their Complaint allege two specifications of errors, which are as follows:

1. That Synod decided the case without a proper hearing.
2. That the action of Synod in sustaining the Constitutionality of the federation plan in operation at Janesville was in error.

The so-called federated church plan between the Congregational and Presbyterian Churches provides for a Federation Committee, four members of which at a properly called meeting shall make a business quorum and a majority vote of any quorum meeting shall carry all matters of policy, provided only that this majority shall contain at least one member from each church committee. The plan also includes the closing of the Presbyterian Church building and suspension of all Presbyterian services and meetings there; the holding of the regular Sunday and mid-week services and Sunday school in the Congregational Church building, both congregations uniting for public worship; each church organization and sub-organizations to be left intact and responsible for its own separate obligations. The Federated Committee, through sub-committees, composed of officials of both churches, has charge of all federated work, including supervision of public worship, the music, the mid-week service and all funds raised in both churches.

This much of the federation plan is sufficient to show that it is not in fact a federation, nor a coöperation, but is a combination of the Presbyterian and Congregational Churches in Janesville. The Permanent Judicial Commission therefore decides that no question of church federation is involved in nor decided by this case, and therefore, nothing contained in this opinion relates to or expresses any rule or opinion upon the general subject of church federation. As to the first specification of error the Judicial Commission is unanimously of the opinion that it should be sustained. It appears from the Minutes of the Synod, that the Synod of Wisconsin, through its Stated Clerk, referred this case to its Judicial Committee and adopted the Report of that Committee as the finding of Synod. To sustain or not to sustain a Complaint is a verdict to be rendered only after a formal hearing of the case by the Synod itself or by a Judicial Commission appointed by Synod. (See Book of Discipline, Secs. 88, 118, 135.) As neither of these forms was complied with by the Synod, its action was erroneous and irregular.

As to the second specification of error the Judicial Commission is unanimously of the opinion that it should also be sustained. It is apparent from the Record that the Session of the Janesville Church has surrendered its powers of control over church worship, work and teaching. By the Form of Government, Chap. ix, Sec. vii, the Session is given and charged with the duty to exercise "exclusive authority over the worship of the congregation, including the musical service," etc. The Session violated this provision relating to its exclusive authority by surrendering it to the Federated Committee, a body over which it has no control.

Secondly, the Session has ceased to maintain worship at the Presbyterian Church and has attempted to transfer the congregation to an independent religious organization, thereby impairing the peace and unity of this church. The proof of Session's intent is found in its notice given by the chairman at the Congregational meeting of June, 1919, who was a member of the Session, that no negative vote would be counted unless the voters agreed to abide by and acquiesce in the result. The Session had no authority, nor power to require the members of a Presbyterian Church to abide by a vote the results of which violate the Constitution of the church. If this were not true, the Session would have the right to compel attendance of the church members on the federated services and upon the federated Communion service as well, and would have the power to strike the name of those neglecting or refusing to attend from the roll of the church membership, and thereby cause said persons to lose all their rights in the Presbyterian Church property.

Thirdly, the Session has closed the church building and thereby ousted the congregation from the use of the property for Presbyterian worship and has impaired the right of the church members to worship in their own church edifice.

Judgment.

It is the judgment, therefore, of the Permanent Judicial Commission that the Complaint against the Synod of Wisconsin be and the same is hereby sustained; that the action of the Synod of Wisconsin and of the Presbytery of Madison be and the same is hereby reversed, and the Presbytery of Madison is directed to restore Presbyterian services in the church at Janesville as it existed before the particular action was taken, which is designated in this case in its title as federation.

This judgment in no wise prevents the congregation from originating and making effective any well approved form of coöperation in the working of which the rights of the Presbyterian Church are properly safeguarded under the existing decisions of the General Assembly. (See Form of Government, Chap. xii, Sec. v; *Minutes* G. A. 1917, page 285, 1919, pp. 180 to 182.)—1920, pp. 88–91. (See p. 333, et seq.)

7. Jurisdiction over a suspended member is in the church which suspended him.

a. *Overture* from certain members of the Presbytery of Madison.

We desire to make the following statement and inquiries:

A person is, we will suppose, under suspension in one of our own churches. He removes, and unites, on examination, with another of our churches, the Session of the latter one being wholly ignorant of his former membership, and, of course, of his suspension. The facts are, however, afterwards discovered.

Would this discovery of itself vitiate his second membership, and leave him simply a suspended member of the former church?

Would unworthiness for church membership, clearly manifested while in the latter church, and before said discovery, rightfully add any efficacy toward producing this result?

To the first of the above questions the Committee recommend an answer in the affirmative; to the second, if the question mean whether the Session of the second church has jurisdiction in the case of unworthinesses manifested in the second relation, the Committee recommend an answer in the negative; but if the question mean whether the unworthinesses manifested in the second relation be proper ground of separate process by the Session of the first church, the Committee recommend an answer in the affirmative. In respect to the whole case the Committee agree in the statement following:

The person, uniting with the second church on examination, unites deceptively. So soon as the facts in the case are ascertained by the Session of this second church, the proper order of procedure is for this Session, after conference with the accused person, to strike his name from their roll of church members as not under their jurisdiction, to communicate their action to the Session suspending him, with the reasons for it, and to request the said Session to proceed against him on separate process for duplicity and disorder.—1866, p. 269, N. S.

b. The Assembly gave a negative answer to the following question: When a Church Session shall have suspended a member from the communion of the Church, until he gives evidence of repentance, can the Church Session of any other congregation legally restore such a member to the communion of the Cumberland Presbyterian Church, especially when that member still lives in the midst of said congregation where such suspension took place?—1860, p. 74. C. P.

[NOTE.—See this *Digest*, under Book of Discipline, Chap. vii, Sec. 50.]

8. The vote of the Session is the reception to membership. It must involve baptism. The use and authority of local confessions and covenants.

The Committee on Bills and Overtures reported on *Overture No. 9*, making inquiry concerning the relation of persons received, by act of Session, during the interval of such reception and the subsequent sacramental Sabbath. The Report was adopted, and is as follows:

In answer to the several questions contained in the above Overture, the Assembly refers to the Form of Government, Chap. ix, Sec. vi, in which the *reception of "members into the church,"* is expressly specified as one of the duties and powers of the church Session. For this purpose the Session is the church, and its act of admission the act of the church. When, therefore, an applicant for admission by letter is received by a vote of the Session, he is at once a member of the church, entitled to all the privileges, and subject to all the responsibilities, of this relation.

The same rule equally applies to candidates for admission into the church on a profession of their faith. The vote of the Session is the essential and final act by which they are thus received, and needs no subsequent action of the church to give it reality or validity. The administration of baptism according to the Word of God, in the case of unbaptized persons, must, of course, be involved in, and attendant upon, this Sessional act, either at the time, which would be entirely proper, or at a subsequent period appointed for this purpose. The Session, if thus choosing, may prescribe a public profession of faith before the whole church as a convenient usage, and for this purpose may employ a church confession and covenant. This is the practice with many Sessions, and, where this practice is adopted, it is proper that the officiating minister or clerk of the Session should report a statement of the fact in accordance therewith, and that the Report should be formally entered upon the Record of the Session.

It is well, however, to remember that the confessions of faith and covenants in use among local churches, though regarded by many as convenient and useful, and certainly sanctioned by a very prevalent usage, are nevertheless not essential to the organization of a church, or the establishment of membership therein, since they are not the authoritative standard of faith or practice in the Presbyterian Church. Such confessions and covenants, with the accompanying form of a public profession, may or may not be used, as shall seem most expedient to the Session. Whether used or not, the vote of the Session is, by the Constitution of the Presbyterian Church, the act on which the membership depends, and, in all cases, the records of the Session should be made to correspond with this fundamental principle of the polity of the Church.

These principles cover all the points submitted in the above Overture. Their application is simple, and hence the Assembly sees no occasion for giving a more detailed and specific answer to the several questions presented for its consideration.—1865, pp. 22, 23, N. S.

9. Baptism may follow upon a general profession of faith.

The Committee on the Polity of the Church reported an answer to the following inquiry:

"Is it forbidden by our Standards to baptize adult converts upon a general confession of faith in Christ, previous to their being received into a particular church, and assenting to its articles of faith?" as follows, viz.:

A profession of faith in Christ and obedience to him is all that is required in our Standards of those who are out of the visible Church, in order to their being baptized (see Confession of Faith, Chap. xxviii, iv; Larger Catechism, Q. 166; Shorter Catechism, Q. 95).

Hence, cases may occur in which, as in the case of Philip and the Ethiopian eunuch, it may be proper to baptize a person who does not expect immediately to connect himself with any particular church. But inasmuch as it was the obvious intent of the Saviour that all his disciples should be associated in local churches, and inasmuch as we cannot obey one of his commandments, that requiring us to remember him at his table, without such connection: therefore, your Committee believe that in no ordinary circumstances can a person give good evidence of a readiness to obey Christ in all things, who, having the opportunity, does not connect himself with some particular branch of the visible body of Christ. In the practice of our Church, and according to her Standards, baptism is manifestly regarded as a part of the general profession of faith in, and obedience to, Christ, which constitute his initiation into the visible Church, and into some particular branch of it; and in no ordinary case ought the several parts of this solemn profession to be separated.—1860, p. 244, N. S. (See p. 118, 16; *Digest*, 1930; Vol. II, p. 88.)

10. An unbaptized person applying for admission to the Church must be baptized.

The Committee on the Polity of the Church reported an *Overture*, asking, "Whether a vote of a Session entitles a person to the privileges of the Church, who is not baptized and has not made a public profession of faith." They recommended the following answer:

The vote of the Session does not entitle an *unbaptized* person to the privileges of the Church, for the reason that baptism, as our Confession of Faith declares (Chap. xxviii, Sec. i), is declared to be a Sacrament for the solemn admission of the party baptized into the visible Church.

The public profession of one's faith may for sufficient reasons, as our Directory for Worship allows, be omitted; but the exceptional case does not respect baptism, which precedes the admission of the party to the Lord's table. The vote of the Session to this effect must be conditioned upon the baptism, and can in no case be a substitute for the Sacrament itself.—1867, p. 496, N. S.

[NOTE.—See this *Digest*, Directory for Worship, Chap. viii, Sec. iii.]

11. Universalists not to be admitted to sealing ordinances.

a. A Question from the Synod of the Carolinas was introduced as follows, viz.:

Are they who publicly profess a belief in the doctrine of the universal and actual salvation of the whole human race, or of the fallen angels, or both, through the mediation of Christ, to be admitted to the sealing ordinances of the Gospel?

The Assembly determined that such persons should not be admitted.—1792, p. 60.

b. The consideration of Dr. McCorkle's letter was resumed. On the proposition in the letter, requesting a reconsideration of the sentence of the General Assembly, respecting the doctrine of universal salvation, passed at Carlisle in 1792, the Assembly unanimously agreed to adhere to the aforesaid decision.—1794, p. 86.

12. Persons refusing to present their children in baptism not to be refused communion, but the expediency of receiving them to be judged of by the Session.

The Committee appointed on *Overture No. 7*, from the Session of Union Grove Church, Illinois, made the following Report, which was adopted, viz.:

That two questions are submitted in this Overture to the judgment of the Assembly, viz.:

1. Is it the duty of church Sessions to admit to membership persons who refuse to present their children to God in the ordinance of baptism?

2. What is the duty of the Session in case of parents, members of the church, who refuse from conscientious scruples to present their children for baptism?

For a reply to these questions, the Session are referred to the *Digest*, Part iv, Chap. ii, Sec. vii, p. 98, where the decision of the Assembly on the principle involved in both is recorded as follows:

A letter also came through the Committee on Overtures, from Bethuel Church, Esq., inquiring whether he may be admitted to occasional communion, whilst he has scruples concerning infant baptism.

The letter from Bethuel Church, Esq., as overtured, was read, and the motion formerly made thus amended: That the Session of the church of Cambridge be permitted to receive Mr. Church upon satisfactory evidence of his good character, his scruples notwithstanding, was taken up and agreed to.

But while it is clear, that persons otherwise of good Christian character, are not to be excluded from the communion of the church, because they have scruples concerning infant baptism, there is in every case, where such persons apply for admission, a question as to the expediency of receiving them, upon which the Session of the church must decide.—1834, p. 449.

13. Duelists to be received only on evidence of repentance.

Resolved, also, That it be, and it is hereby recommended to all the ministers under the care of the Assembly, that they scrupulously refuse to attend the funeral of any person who shall have fallen in a duel; and that they admit no person who shall have fought a duel, given or accepted a challenge, or been accessory thereto, unto the distinguishing privileges of the Church until he manifest a just sense of his guilt, and give satisfactory evidence of repentance.—1805, p. 339.

14. Postmasters officiating on the Sabbath.

a. An *Appeal* by Mr. Wiley, postmaster in Washington, Pa., from a decision of the Synod of Pittsburgh, by which it is determined that Mr.

Wiley's officiating as postmaster on the Sabbath day, in existing circumstances, is a sufficient reason to exclude him from the special privileges of the Church, was overtured and read.

Resolved, That the above decision of the Synod of Pittsburgh be affirmed. —1810, p. 456.

b. A *Petition* signed by a number of persons in Washington, Pa., and vicinity, praying the revision, with a view to its being rescinded, of the decision of the General Assembly of 1810, respecting the case of Mr. Wiley, postmaster, was overtured.

Resolved, That the prayer of the petitioners be not granted.—1812, p. 508.

15. Proprietor of mail stages running on the Sabbath.

An *Overture* relative to receiving a person as a member of the Church who is a proprietor in a line of stages which carries the mail, and runs on Sabbath.

Resolved, That it is the decided opinion of this Assembly that all attention to worldly concerns on the Lord's day, further than the works of necessity and mercy demand, is inconsistent both with the letter and spirit of the fourth commandment; and consequently all engagements in regard to secular occupations on the Lord's day, with a view to secure worldly advantages, are to be considered inconsistent with Christian character, and that those who are concerned in such engagements ought not to be admitted into the communion of the Church, while they continue in the same.—1819, p. 713.

16. Subjection to the discipline of the Church requisite.

Is a church Session authorized by the principles laid down in the Confession of Faith, to admit individuals to the Lord's table, who do not subscribe to the doctrines and submit to the discipline of the Church?

There can be no doubt that all persons admitted to the communion of the Presbyterian Church do in fact and form submit to its discipline (except in cases of occasional communion by members of other churches); but every Session must judge for themselves of that degree of knowledge of Christian doctrine and adherence thereto on the part of those examined by them which may render their reception suitable, and for their own edification and the peace of the Church.—1853, p. 434, O. S.

17. The Session the judge of the qualification of candidates for membership.

Has a Session or church Constitutional power, in examining a candidate for membership, to require abstinence from any error, practice or custom, which the members adjudge to be sinful, and decidedly injurious to personal piety, and to the interests of the Church of Christ? And, if they have this power, then is it expedient to admit persons to membership who practice and defend promiscuous dancing, card-playing, and the use, manufacture and sale of intoxicating drinks as a beverage?

The Committee recommended the following answer:

It is the province of the Session to judge of the qualifications of candidates for membership in the church. For their guidance in the matters noticed in the Overture, reference is made to past acts of the Assembly found in the *Digest* (Moore, 1861), Chap. vii, on "Moral Questions," Secs. iii, iv and v.—1864, p. 510, N. S.

[Note.—See also No. 3, p. 526.]

18. Sessions have power to notify other Sessions of removal of church members.

Overture No. 157, from the Presbytery of Buffalo, asks for an amendment of the Form of Government, Chap. ix, Sec. vi, so as to give a church Session power to notify Sessions of other churches of the removal of its members within their bounds. *Answer:* It is recommended that the Overture be not granted, as the Session already has the power asked for, and it is its duty to exercise it.—1908, p. 173. (See p. 586.)

19. Question as to the baptism of a member of the Friends' Society.

Overture No. 7, from the Presbytery of St. Clairsville. Would it be consistent for a minister of the Presbyterian Church to administer the ordinance of baptism to a member of the Friends' Society, who professes to believe that "Jesus is the Son of God" and the essential doctrines of the Christian religion, but declares his intention to continue his connection with the Friends' Society?

The Committee on Bills and Overtures reported a recommendation that the inquirers be referred to the answers in the Larger and Shorter Catechisms, to the question, "To whom is baptism to be administered?"—1864, p. 314, O. S. (See p. 120, 22.)

20. Intercommunion with those who maintain an irregular ministry discouraged.

The Committee on *Overture No. 3*, viz., a question from the Presbytery of Bethel, respecting holding communion with the followers of William C. Davis, a deposed minister, and calling themselves Independent Presbyterians, reported, that in their judgment the questions proposed in said Overture ought to be answered in the negative. They therefore would recommend the adoption of the following resolution, viz.:

Resolved, That while this Assembly readily acknowledges the right of the Session to determine according to the Scriptures and the Constitution of our Church, the qualifications for admission to sealing ordinances, yet they feel it to be their duty to declare that, in their judgment, the services of those who have received only lay ordination, and of those who have been deposed from the Gospel ministry, are unscriptural and unwarrantable; and therefore an attendance on their ministrations cannot be in the order of the Gospel, and ought to be discouraged and discountenanced by every friend of the Redeemer's kingdom.—1833, p. 407.

21. Polygamists cannot be received into the Church while remaining in that relation.

No. 14, from the Presbytery of Kolapore, asking for an answer to the following questions, namely:

Can a man who, before his conversion from heathenism, had been the husband of two wives, each the mother of several children, and with whom he continues to live in apparent harmony, be received into the Christian Church while retaining them both, or should he be required to separate from one of them? In the latter case, from which ought he to separate? and why should he be separated from her?

The Committee report that they have given the subject the most careful consideration, and have called before them all the foreign missionaries in attendance on the Assembly, and fully consulted with them. As the result of all their deliberations, the Committee recommend that the following answer be returned:

Under the light of the Gospel no man may marry a second wife while his first is living without offending against the law of Christ. Such a relation, although it may be justified by human law and entered into in ignorance of the truth, cannot be perpetuated by one who has become a follower of Christ; neither can it be justified by his Church. Converts from heathenism should be treated very tenderly in this most painful situation, and yet they should be dealt with in all fidelity; and, when a converted man is called on to separate from all but his first and only wife, he should be enjoined to make suitable provision for her that is put away, and for her children, if she have any, to the full extent of his ability. The Report was unanimously adopted.—1875, p. 507.

[NOTE.—See this *Digest*, Confession of Faith, Chap. xxiv, Sec. i.]

22. May members be received by letter from the Friends' Church without baptizing them?

The Standing Committee on Polity presented its Report on *Overture No. 267*, asking the question, "Is it orderly to receive by letter, members from the Friends' Church without baptizing them?"

After due consideration, the Assembly answered the Overture in the negative.—1915, p. 278. (See p. 119, 19).

23. The Sacraments as related to the Friends.

Overture from the Presbytery of North Texas, asking: First, Can one be admitted to membership in the Presbyterian Church, who has not received water baptism in any mode, and who does not believe in other baptism than baptism of the Holy Ghost? Second, If not, can such persons —*e.g.*, Quakers—be invited to the Lord's table? Your Committee most respectfully answer the first question in the negative. And as an answer to the second question, would refer the Presbytery to the Directory for Worship, Chapter VIII, Sec. IV, in regard to the proper qualifications of communicants.—1883, p. 627.

24. Certificate of dismission required.

Nor can the Assembly forbear to regret that the Session of the church of Chillicothe had not acted in a more formal manner in receiving Mr. McCalla, and had not required a regular certificate of dismission from the church to which Mr. McCalla belonged before they received him.—1821, p. 21.

[NOTE.—See this *Digest*, Book of Discipline, Chap. xii, Sec. 114.]

25. Members should be received into the church only by a Session regularly constituted.

The Committee to whom was referred the subject involved in so much of the Records of the Synod of Cincinnati as relates to the admission of persons to church privileges at the great meetings common in that region made the following Report, which was adopted, viz.:

a. 1. *Resolved,* That the order of the churches requires that all persons making a public profession of religion be introduced to the communion of the church only by an individual Session regularly constituted.

b. 2. *Resolved,* That it is the right and duty of Sessions to take the exclusive oversight of their respective congregations, and the practice of one Session admitting to a Christian profession persons belonging or intending to belong to a congregation under the care of another Session, is irregular.—1832, p. 373.

26. Session can receive persons only into the organized church of which it is the governing body.

Overture from the Presbytery of St. Louis, with reference to the reception of members into mission organizations or chapels. Recommendation: The Assembly answers that Sessions cannot receive persons on profession of their faith in Christ, or by letter, into any body except into the organized church of which any given Session is the governing body.—1893, p. 86.

27. Duty of the Session in the case of those who have joined another Church and are in other respects irregular.

A Paper from the Presbytery of Detroit, asking: "What course shall a Session pursue in regard to a member who has left the Church, and become a member of another Church, without having asked for or obtained a letter of dismission?" The Presbytery puts four cases: (1) "Those who have preceded or accompanied their departure to another Church by absenting themselves from the ordinances of the Church to which they owe allegiance." (2) "Those who have been guilty of such errors in doctrine as amount to heresy; or such errors in practice as amount to practical immorality or apostasy." (3) "Those who, by change of conviction, without any such flagrant departure from doctrine or morality, have been induced to unite with a Church which does not hold correspondence with our Church." (4) "Those who have entered an organization or endorsed a creed outside of what we recognize as evangelical."

The Committee would reply that almost every phase of neglect of Church duty, or departure from Church connection, has been acted upon by the Assembly before the separation, or by the separate branches during the separation, or by the reunited Assembly. The Committee would, therefore, recommend that these petitioners be referred to these past actions: (1) To the action of the Assembly of 1825, paragraph iii, Secs. 3 and 4, pp. 625 and 626, Moore's *Digest,* 1873; 1886, p. 756. (2) Action of the Assembly of 1872, paragraph i, Secs. 3 and 4, Moore's *Digest,* 1873, p. 628; 1886, p. 756. (3) Action of N. S. Assembly, 1868, last two sections on p. 130, of Moore's *Digest,* 1886. (4) Action of the N. S. Assembly of 1839, p. 24, Sec. c, on p. 169, Moore's *Digest,* 1886.—1880, p. 45; also 1879, p. 613; 1828, p. 240.

[Note.—See this *Digest,* Book of Discipline, Chap. vii, Sec. 53.]

28. Sessions may not receive members of other churches without regular dismission.

The same Committee reported an Overture, asking if it be in accordance with ecclesiastical law and order in the Church, to receive members of another church who have not been regularly dismissed, with a view to such a change of relation.

The Committee recommended that, so far as churches in our own connection are concerned, the question be answered in the negative, and refer to the Book of Discipline (Old) Chap. xi, Sec. i; (New) Sec. 114.—1868, p. 58, N. S.

[NOTE.—See this *Digest*, Book of Discipline, Chap. xii, Sec. 114.]

29. Session may refuse to receive applicant for church membership without giving reason.

Questions referred by the Assembly to the Committee on Polity: Has a Session the right to refuse to receive into church membership an applicant bearing a letter from another Presbyterian church, certifying to the good and regular standing of the applicant; and, if such letter is refused, must the Session give the applicant the reason for the action?

The following answers are recommended: A Session has the right to refuse to receive into church membership an applicant bearing a letter from another Presbyterian church, certifying to the good and regular standing of the applicant, and the Session is not compelled to give any reason for such refusal.—1912, p. 166.

30. Duty of the Session in case of those who doubt their personal piety.

[NOTE.—See this *Digest*, Book of Discipline, Chap. vii, Secs. 49 and 51, "Cases Without Process," and Larger Catechism, Q. 172.]

31. The examination of candidates for admission to sealing ordinances should, except in special cases, be in the presence of the Session.

Your Committee recommend the following action: Inasmuch as the members of the Session are the judges of the qualifications of those to be admitted to sealing ordinances, and the reception of such is their act, the examination of candidates ought manifestly to be in their presence, unless in special cases of sickness or other hindrance, when this duty may be performed by a Committee under direction of the Session. (See Moore's *Digest*, 1886, p. 130.)—1885, p. 638.

[NOTE.—See this *Digest*, Directory for Worship, Chap. viii, Sec. iii; Chap. x, Sec. iii.]

32. The Session has no power to prohibit collections ordered by the Assembly.

a. *Ordered*, That every minister, according to our former agreement, propose the collection for the fund to his congregation, and as it is a Synodical appointment, it is inconsistent with our Church government to be under the check or prohibition of a church Session; they indeed may give or withhold their charity, but may not prevent a minister to propose it publicly, according to our appointment. *Ordered*, likewise, That every Presbytery take care of the conduct of their members, how they observe this agreement previous to their coming to the Synod, and that they gather the collection from absent members.—1755, p. 215.

b. *Whereas*, it appears that some of the congregations under the care of this Assembly, though duly informed of the injunction made at our last sessions respecting the raising of contributions for the support of missionaries to the frontiers of the country, have not complied with the same, the Assembly, therefore, thought proper to continue the above-mentioned order, and do hereby enjoin it on all the Presbyteries to give particular attention that every congregation raise the specified contribution, and that all the contributions be sent forward as soon as possible to the treasurer of the General Assembly.—1790, p. 24. (See p. 812, 4.)

33. Separate treasurers advised for benevolent and congregational funds.

That pastors and sessions are advised experience is demonstrating that the purposes of the benevolence budget are best promoted in our particular churches by each church having a benevolence treasurer elected by the session who is not the treasurer of the congregational funds, and they are earnestly counselled to constitute such a separate treasurer for their benevolence funds.

Further, treasurers of benevolence funds in our particular churches are requested to forward the contributions promptly, at least as frequently as once each quarter, to their destination, and thus greatly aid our Boards and Agencies in their work, and often relieve them of the necessity of seeking temporary loans.—1923, p. 258.

34. In appointing delegates to the higher judicatories the Session should designate the service to be performed.

Overture.—A request from the Presbytery of Newton that the Assembly answer the following questions:

1. Is a ruling elder, appointed to represent a Session in the Synod, by virtue of that appointment also its representative at any adjourned meeting of his Presbytery which may be held during the intervals of the sessions of the Synod?

2. May a Session, which has appointed a ruling elder its delegate to a stated meeting of the Presbytery, appoint an elder whom it delegates to the Synod to represent it, also, at any adjourned meeting of the same stated meeting of the Presbytery which may be held during the intervals of the Session of the Synod?

The Committee recommend the following answer:

That no rule is laid down in our Standards as to the particular term or time of service of delegates appointed by church Sessions to the higher judicatories of the Church; and the Committee therefore recommend that it be left to each Session to prescribe the particular terms for which, or times at which, its delegates shall attend as its representatives in such judicatories. Under this view, the first branch of the Overture is answered in the negative; but the questions involved in both branches are subject in each individual case to the control of each Session.—1878, p. 69.

35. Communion wine: the purest attainable to be used.

[Note.—See this *Digest*, under Directory for Worship, Chap. ix, Sec. v, p. 825.]

36. Baptism of Roman Catholic converts discretionary.

[Note.—See this *Digest*, Directory for Worship, Chap. viii; Confession of Faith, Chap. xxviii, Sec. ii.

37. Discretion of the Session as to women's part in meetings for prayer.

a. [In 1872 the Assembly was asked to transmit to the Presbyteries such rules as would forbid the licensing and ordaining of women to the Gospel ministry, and the teaching and preaching of women in our pulpits or in the public and promiscuous meetings of the Church of Christ.

The Assembly reply that there is no necessity for a change of the Constitution, and refer to the deliverance of 1832 as expressing its judgment. —1872, p. 89.

The deliverance referred to is as follows, viz.:]

Meetings of pious women by themselves for conversation and prayer, whenever they can conveniently be held, we entirely approve. But let not the inspired prohibitions of the great apostle of the Gentiles, as found in his Epistles to the Corinthians and to Timothy, be violated. To teach and exhort or to lead in prayer, in public and promiscuous assemblies, is clearly forbidden to women in the holy oracles.—*Pastoral Letter*.—1832, p. 378; *Digest*, 1886, p. 304.

[In reference to this we have the following:]

b. From the Presbytery of Rock River: "Does the Assembly mean to enjoin, that in the regular weekly prayer meetings of the church no woman shall speak or lead in prayer?"

[Referred to a Special Committee, whose Report was adopted, viz.:]

In response to the Overture the Assembly expresses no opinion as to the Scriptural view of woman's right to speak and pray in the social prayer meeting, but commits the whole subject to the discretion of the pastors and elders of the churches.—1874, pp. 32 and 66.

c. *Overture* from the Presbytery of Zanesville, on the part women may take in public and promiscuous assemblies.

The Committee recommend the following answer:

1. The Assembly regards all prohibitions contained in God's Word as equally binding on the Church to-day as at any period of its history, but does not regard the passages cited as forbidding the participation of women in certain of the assemblies for worship in the Church.

2. The extent of this participation, in our judgment, should be left to the wise discretion of the pastor and elders in each particular church.—1893, p. 114.

38. Representation in the superior courts required.

a. Mr. McNish's reasons for not bringing an elder or representative with him were heard and sustained.

Mr. Henry's representative of the congregation being absent, and his reasons for not coming being inquired into, he said the present condition of his people made it necessary that there should be a particular collection made by the congregation for defraying the charges of the representative to the Presbytery, and it was allowed that there should.

The reasons of Mr. Pumry's elder's absence were inquired into and sustained.—1716, p. 43.

b. The Synod do recommend it to the several Presbyteries belonging to their body to call those Sessions to account that do not send elders to attend upon the Synod and Presbyteries, and to enjoin these Sessions to call those elders to account that do not attend upon judicatories, when sent by them.—1753, p. 256.

39. Attendance on the superior courts enforced.

Expenses of elders should be paid.

a. Upon calling over the roll it being found that many of the elders have gone home without leaving any reasons for their so doing, the Synod do order that such elders as do withdraw from the Synod without leave, shall be left to the censure of their Sessions, and report made thereof to the next Synod. And the Synod do recommend it to the several congregations to defray the necessary charges that their elders be at, during their attendance upon the Synod.—1735, p. 117.

Ruling elders should be called on for reasons of absence.

b. The Records of the Synod of Pittsburgh were approved, with the exception, "that ruling elders were not called upon for reasons for absence as in the case of teaching elders."—1859, p. 531, O. S.

40. The same elder must represent his church at an adjourned meeting who represented it at the stated meeting.

Exception to the Records of the Synod of Columbus, "That on p. 73, this Minute is made: Your Committee would recommend that *Overture No. 2*, 'Can a Session be represented by a different elder at adjourned meetings of Presbytery, be answered in the affirmative. Adopted.' This action of the Synod is in direct variance with a deliverance of the Assembly of 1827."—1872, p. 68. (See pp. 142, 469–472).

The deliverance referred to is as follows, viz.:

Resolved, That in the judgment of this General Assembly, the construction of the Constitution (Form of Government, Chap. xxii, Sec. i), which allows Commissioners, after holding their seats for a time, to resign them to their alternates, or which allows alternates to sit for a while and then resign their places to their principals, is erroneous; that the practice growing out of this construction is inexpedient; and that it ought to be discontinued.—1827, pp. 209, 210.

41. A Session may recall its election of an elder to Presbytery and choose another.

William G. Bell vs. the Synod of Texas.

The facts in this case are that on the 31st of March, 1920, the Session of the First Presbyterian Church of Austin, Texas, according to its unwritten rule, elected William G. Bell, one of its elders, as its representative to all regular and called meetings of the Presbytery of Austin for a period of one year beginning April 1, 1920. On the first of September, 1920, at a meeting of the Session, the action of the Session electing Elder Bell as principal delegate to all regular and called meetings of the Austin Presbytery for a term of one year beginning April 1, 1920, was rescinded and on motion another elder was elected as principal delegate to the Fall meeting of the Presbytery, 1920. Other actions in this connection were taken by the Session but it is not necessary to state them for the purpose of this opinion.

From this action, Elder Bell appealed to the Presbytery of Austin, and the matter duly came to the Judicial Commission of the Presbytery of Austin at its meeting held at Wrightsboro, Texas, September 23, 1920 The Presbytery of Austin did not decide this matter at all as by agreement of Elder Bell and the elder elected in his place, it was reported and adopted that neither elder be seated. From this action of the Presbytery of Austin, Elder Bell appealed to the Synod of Texas.

The Synod of Texas by the Report of its Judicial Commission, which was adopted by the Synod, decided that the action of the Session of the First Presbyterian Church at Austin on September 1, 1920, in reconsidering their action of March 31, 1920, in electing Elder W. G. Bell to Presbytery for one year, was legal and binding on all parties, and that the election of Elder Stiles in lieu of Elder Bell was legal. From this action of the Synod of Texas, Elder Bell appealed to the General Assembly.

Opinion.

As this is clearly a non-judicial case, the proceeding should not be had under appeal but as a Complaint, and your Commission has so treated it. Briefly stated, the question presented by this Complaint is: Does the election of a representative to a higher court for a designated time preclude a judicatory from any other election or the decision thereof? The Commission is unanimously of the opinion that no rule or custom of a church Session can prevent it from changing its own rules or modifying them at any time when in its judgment it sees fit. It is to be noted in this case that the question raised is now strictly a moot question, as the time for which Elder Bell was elected has already expired, but your Commission deemed it wise as a guide for the future, to decide this issue. This Assembly decided in 1918 in the case of Doane *vs.* the Synod of California that it was beyond the power of a Presbytery to bind itself by any rules and regulations which could not be repealed except by two-thirds vote, and that such provision for a two-thirds vote was illegal and not binding upon the Presbytery when passed or subsequently thereto. Similarly, no rule passed by the Session of the Austin Church or custom followed in that Session of the Austin Church or custom followed in that church Session for the election of an elder, to represent it in Presbytery for a definite period could bind or prevent the Session in its discretion from electing another or different elder to represent it at subsequent meetings. The same reasoning which the Assembly adopted in the case of Doane *vs.* Synod of California is applicable here.

Therefore, it is the judgment and finding of your Permanent Judicial Commission that the Appeal of Elder Bell from the action of the Synod of Texas be not sustained and that the action of the Synod of Texas be and the same is hereby adopted and sustained.—1921, p. 132.

VII. Subject to the provisions of the Directory for Worship, the session shall have and exercise exclusive authority over the worship of the congregation, including the musical service; and shall determine the times and places of preaching the Word and all other religious services. They shall also have exclusive authority over the uses to which the church buildings may be put, but may temporarily delegate the determination of such uses to the body having management of the temporal affairs of the church, subject to the superior authority and direction of the Session.

[NOTE.—For action as to Trustees and Laws for Religious Corporations, see p. 495.]

1. The Session has exclusive authority over the worship of the church.

Resolved, That meanwhile, this Assembly adopt the following deliverance for the immediate guidance of all our congregations, Sessions, deacons, trustees, and inferior judicatories:

The General Assembly takes notice that the exclusive authority of the Session over the worship of the Church, including not only the times and places of preaching the Word, but also the music and the use of the church buildings, is not sufficiently appreciated by the Church at large, and that there are frequent complaints that trustees of congregations assume powers and authority, especially over music and the use of church buildings, which are not warranted by, but in conflict with, the Constitution of the Church.

The Assembly enjoins upon the churches loyal adherence to our Form of Government, providing that the authority of the Session over all matters of worship is paramount, and at the same time recommends that all such questions be treated by the Session with Christian tact and courtesy, in the spirit of love and forbearance.—1893, p. 90.

2. Church music is under the control of the minister and the Session.

Overture asking the Assembly to reaffirm the action of the Assemblies of 1845 and 1858, on the relations of the church Session to the music as a part of the worship of God.

The Committee recommends the following answer:

This General Assembly hereby reaffirms the action taken by the Assemblies of 1845, p. 21, O. S., and 1858, p. 281, O. S., as follows:

Whereas, By our Constitution (Form of Government, Chap. ix. Sec. vi, and Directory for Worship, Chap. iv, Sec. iv) the whole internal arrangement of a church as to worship and order is committed to the minister and Session; therefore,

Resolved, That this Assembly do not feel themselves called upon and obliged to take any further order on this subject, but leave to each Session the delicate and important matter of arranging and conducting the music as to them shall seem most for edification, recommending great caution, prudence and forbearance in regard to it.—1884, p. 115.

[NOTE.—See this *Digest*, Directory for Worship, Chap. iv, Sec. iv.]

3. Functions and duties of trustees in their relation to Sessions.

Overture from the Bloomington Presbytery, with reference to the functions and duties of trustees in their relation to Sessions. The Committee recommends that this Overture be answered by reiterating the deliverance of the Assembly of 1874, that "the Constitution of our Church charges the Sessions with the supervision of the spiritual interests of the congregation and all services and matters pertaining thereto, and that any action by the Board of Trustees tending to annul or contravene in any way such supervision and control is illegal and void."—1891, p. 187. See pp. 128, 129.

4. Respective rights of trustees and Session in controlling the use of church property.

[NOTE.—See Form of Government, Chap. xxvii, p. 497, *et seq.*]

a. *Overture*, being a request from the Presbytery of Cincinnati, that the Assembly define the respective rights of the trustees and Session in the control of the edifice used for public worship, and direct what steps be taken in case of disagreement or collision between them, with a report thereon as follows:

Where a church edifice is held by trustees, the legal title is vested in them; and having the title, the custody and care of the property pertains to them, for the uses and purposes for which they hold the trust. These uses and purposes are the worship of God, and the employment of such other means of spiritual improvement as may be consistent with the Scriptures, and according to the order of the Church: to which may be added, congregational meetings for business relating to the church or corporation. By the Constitution of the Church, the Session is charged with the supervision of the spiritual interests of the congregation; and this includes the right to direct and control the use of the building for the purposes of worship, as required or established by the special usage of the particular church, or the Directory for Worship. This being the principal purpose of the trust, the trustees are bound to respect the wishes and action of the Session as to the use and occupation of the house of worship. The Session is the organ or agent through whom the trustees are informed how and when the church building is to be occupied; and the trustees have no right to refuse compliance with the action of the Session in this regard. These are general principles applicable to all cases, except, perhaps, in some localities where special statutory enactments by competent authority may confer other rights, or prescribe other duties.

But there are other purposes for which the use of the church edifice is sometimes desired, which, though they partake of a religious or intellectual character, do not fall within the class of objects which are properly described as belonging to the worship of that congregation. The house may not be used for such purposes without the consent of the trustees; and this consent they may properly, in their discretion, refuse. As the function to determine what is a proper use of the house is vested in the Session, the trustees have no legal right to grant the use of it for purposes which the Session disapprove. And as the strict rights of those who are represented by the Session to the use of the house are limited to the worship of that congregation, the trustees are under no obligation to grant it for any other purpose.

When the trustees grant the use of the house to others, contrary to the expressed wishes of the Session, and, as they suppose, to the prejudice of the cause of religion and of that church, the proper Appeal is, first, to the persons composing the congregation to whom the trustees are responsible; secondly, to the Presbytery, for their advice; and finally, if necessary, to the legal tribunals.—1863, pp. 43, 44, O. S. (See 1874, p. 84.)

b. The commissioners from the Presbytery of Wilmington have been instructed to ask information of the Assembly on the following points:

1. Who are voters in an election for trustees of a church?

2. Who have power to call a meeting for the election of trustees of a church?

3. Who have power to close and hold possession of a church—the trustees or the Session?

The Committee reported:

1. That the questions asked are wholly legal questions, to be determined by the local laws, relating to church property, in the State where the church lies.

2. That, in the absence of any statutory law relating to the mode in which trustees shall proceed, the by-laws of the corporation shall govern the mode of proceeding.

3. That in the absence of any specific rules of proceedings, the general principle of law, that the trust shall be executed for the sole use of those for whom it is held, shall govern the case.—1884, p. 478, N. S.

c. On the respective rights of Sessions and boards of trustees in regard to church and Sabbath-school property, the Committee recommended the adoption of the following, viz.:

1. That the Constitution of our Church charges the Session with the supervision of the spiritual interests of the congregation, and all services and matters pertaining thereto; and that any action, by the Board of Trustees, unauthorized by the congregation, tending to annul or contravene in any way such supervision and control, is illegal and void.

2. That, as regards the church building, Sabbath school, and lecture room, the trustees have no right to grant or withhold the use of either, against the wishes or consent of the Session.—1874, p. 84.

[Note.—Confirmed in answer to the Presbytery of Bloomington, 1891, p. 187. See below, Form of Government, Chap. ix, Sec. vi.]

5. Control of trustees over a house of worship.

Supposing that a musical convention desire the use of the church for its sessions and exhibition; can the Board of Trustees give the use of the house of worship for that purpose without the consent of the Session?

Resolved, That the trustees of a church hold the property for religious purposes; and their legal rights are only to be determined by the State laws and charters under which they act as custodians of the church. Still, they have no moral right to convert the house of God into a place of business or amusement.—1860, pp. 53, 54, O. S. (See Chap. xxvii, p. 496.)

6. In the use of the property for all religious services or ecclesiastical purposes, the trustees are under the control of the Session.

[The following extract from the decision of the Supreme Court of the United States, in the Walnut Street Church case, Louisville, Ky., is inserted by order of the General Assembly, and answers clearly and authoritatively many of the questions asked above. See the whole decision, this *Digest*, 1930, Vol. II, pp. 359–376.]

"One or two propositions, which seem to admit of no controversy, are proper to be noticed in this connection. 1. Both by the act of the Kentucky Legislature, creating the trustees of the church a body corporate, and by the acknowledged rules of the Presbyterian Church, the trustees were the mere nominal title-holders and custodians of the church property; and other trustees were or could be elected by the congregation, to supply their places, once in every two years. 2. That in the use of the property for all religious services or ecclesiastical purposes, the trustees were under the control of the church Session. 3. That by the Constitution of all Presbyterian churches, the Session, which is the governing body in each, is composed of the ruling elders and pastor; and in all business of the Session a majority of its members govern, the number of elders for each congregation being variable.

"The trustees obviously hold possession for the use of the persons who, by the Constitution, usages and laws of the Presbyterian body, are entitled to that use. They are liable to removal by the congregation for whom they hold this trust; and others may be substituted in their places. They have no personal ownership or right beyond this, and are subject, in their official relations to the property, to the control of the Session of the church.

"The possession of the elders, though accompanied with larger and more efficient powers of control, is still a fiduciary possession. It is as a Session of the church alone that they could exercise power. Except by an order of the Session in regular meeting, they have no right to make any order concerning the use of the building; and any action of the Session is necessarily in the character of representatives of the church body by whose members it was elected.

"If, then, this true body of the church—the members of that congregation—having rights of user in the building, have in a mode which is authorized by the canons of the general Church in this country elected and installed other elders, it does not seem to us inconsistent or at variance with the nature of the possession which we have described, and which the Chancery Court orders to be restored to the defendants, that they should be compelled to recognize these rights, and permit those who are the real beneficiaries of the trust held by them to enjoy the uses to protect which that trust was created."—U. S. Supreme Court, Watson *vs*. Jones, 13 Wallace, 679.

VIII. The pastor has power to convene the session when he may judge it requisite; and he shall always convene them when requested to do so by any two of the elders. The session shall also convene when directed so to do by the presbytery.

IX. Every session shall keep a fair record of its proceedings; which record shall be, at least once in every year, submitted to the inspection of the presbytery. (See Bk. of Disc. Secs. 72, 73).

1. Opening and closing prayer not mandatory.

Overture No. 12, from the Presbytery of Cincinnati, asks that the opening and closing of meetings of church Session with prayer be made mandatory. The Assembly answered the Overture in the negative.—1899, p. 108.

2. The Records should be full.

It appearing from the official certificates of the Stated Clerks of all the courts below, that important documents in evidence before the Session which first tried the case of Beck and McMahon were not sent up to the Presbytery and Synod, it is therefore ordered that this case be sent back to the Presbytery of Charleston for a new trial, and that the Session of the church of Columbia be directed to correct their Record, and to send to the Presbytery an authentic copy of all the evidence and all the documents before them.—1843, p. 186, O. S.

3. Testimony in judicial cases should be engrossed upon the Records.

Also *Overture* from the Presbytery of Catskill, asking whether, in cases of judicial process by church Sessions, the testimony of witnesses should be engrossed on the book of permanent Record. The Committee recommended that the following answer be given:

The testimony of witnesses, in all cases of judicial process by church Sessions, should be engrossed on the book of permanent Records. The end to be secured by such a record is indicated in our Book of Discipline, (old) Chap. iv, Sec. xxiii, (new) Sec. 25, where it is required that everything which had an influence on the judgment of the court must be exhibited by the Record. Files are liable to be separated from the book of permanent Records, and nothing but what is contained in the Record may be taken into consideration in reviewing the proceedings in a superior court. The recommendation was adopted.—1862, p. 33, N. S.

[NOTE.—See, however, below, Book of Discipline, Sec. 25, which permits evidence simply to be filed.]

4. Records once approved by a superior judicatory may not be altered by the inferior.

Also *Overture* from the Session of the church of Wabash, Ind., on the following questions:

1. After the Records of a church Session have been examined and approved by the Presbytery, and those of the Presbytery in like manner approved by the Synod, has either the Session or the Presbytery a right or any authority to change or erase the Record?

2. If not, has the Session any legal right to make a second Record declaring the first erroneous and void?

The Committee recommended that the following answer be given:

A Record, once approved by a higher court, cannot be altered or annulled by a lower one. If there be an error in the record, the remedy is to be sought by an application to the highest judicatory that has endorsed such mistake.—1862, p. 34, N. S.

[NOTE.—For general rules as to Records, see this *Digest*, Vol. I, under Form of Government, Chap. xi, Sec. vi, this *Digest*, pp. 258, 265; and especially as to what is a "fair record of its proceedings;" also Book of Discipline, Sec. 72, first clause, and Secs. 25 and 28. See also in the Index, "Records—What they must show."]

X. Every church Session shall keep registers or rolls of persons admitted to or suspended from the Lord's Table; and of the deaths, and other removals of church members; but the names of members shall be placed upon or removed from the rolls of the church only by order of the Session, and in accordance with the provisions of the Book of Discipline. The church Session shall also keep a fair register of marriages, and of baptisms, with the times of the births of the individuals baptized.

1. Statistical reports should show only the actual membership.

Resolved, That the Presbyteries be instructed to institute inquiries among the several churches under their care, as to the number of their communicants; so that it may be ascertained, that the utmost care has been taken to clear their church registers of all deceased, dismissed and lost members; and that it may thus be known what is the actual membership of each of their churches.—1869, p. 272, N. S.

[NOTE.—See this *Digest*, Book of Discipline, Chap. vii, Secs. 49, 50.]

2. Ordained ministers not to be enrolled as members of the church they serve.

Whether ordained ministers of the Gospel ought not to be considered church members, and to have their names enrolled on the Sessional Records of the church, where they are settled as pastors, or stated supplies, which question the Committee recommended to be answered in the negative.—1843, p. 176, O. S.

3. The aggregate number of elders and of deacons to be reported.

The aggregate numbers of the ruling elders, and also of the deacons, in the churches are required to be inserted in the Statistical Reports of the General Assembly.—1878, p. 57.

4. Only elders in active service to be reported: all communicants included.

Overture asking the following questions:

a. In reporting the number of ruling elders in any church, is the number to be that simply of those in active service at the time, or all ruling elders who are members of the church? *Answer.* Only those in active service.

b. In reporting the number of communicants, are the elders and deacons who have been reported in their appropriate columns to be included or not? In other words, is the column for communicants in future to be for private members or for all communicants (members and officers), excepting ministers? *Answer.* All members in communion are to be enrolled, including the officers.—1880, p. 56.

5. Rolls of baptized children, not communicants, to be kept.

a. From the Presbytery of St. Lawrence in regard to baptized members. The Assembly directs church Sessions to exercise greater care in preserving accurate rolls of their baptized members who are not communicants.—1881, p. 548.

b. *Overture* from the Presbytery of St. Lawrence, asking the Assembly to take such action as may better recognize the relation of baptized children to the Church. Your Committee recommend the following action by the Assembly: (1) Churches are urged to keep a full and permanent roll of all baptized children, and carefully to note their public confession of Christ, their passing beyond the watch and care of the church, or their removal by death. (2) When parents, with their families, are dismissed to other churches, the names of baptized children, who have neither come to years of discretion nor become communicants, should be embraced in the certificates given.—1882, p. 98.

6. Christian Life and Work, formerly Annual Narrative of the State of Religion.

In 1801, the General Assembly established the practice of having during its annual sessions "a free conversation on the State of Religion in the bounds of the Presbyterian Church in the United States." In 1811, changing the order somewhat, it adopted a rule directing that "a written statement shall annually be required from the representatives of each Presbytery of the State of Religion," and for more than one hundred years this practice was maintained. In 1906, the Assembly, feeling the need of revitalizing this feature, constituted a new Committee on Christian Life and Work, and associated the Narrative with it. Other changes and attempts were made in successive years, but the results were so discouraging that the General Assembly of 1924 (See *Minutes*, pp. 45, 46) was constrained to discontinue the department, and to provide that the duties and interests involved be absorbed by other agencies of the Church.

CHAPTER X.

OF THE PRESBYTERY.

I. The Church being divided into many separate congregations, these need mutual counsel and assistance, in order to preserve soundness of doctrine, and regularity of discipline, and to enter into common measures for promoting knowledge and religion, and for preventing infidelity, error, and immorality. Hence arise the importance and usefulness of presbyterial and synodical assemblies.

II. A presbytery consists of all the ministers, in number not less than five, and one ruling elder from each congregation, within a certain district; but in exceptional cases a presbytery may be organized within the boundaries of existing presbyteries, in the interests of ministers and churches speaking other than the English language, or of those of a particular race; but in no case without their consent; and the same rule shall apply to synods.

1. The first Presbyteries constituted of ministers.

a. It having pleased divine Providence so to increase our number, as that, after much deliberation, we judge it may be more serviceable to the interest of religion, to divide ourselves into subordinate meetings or Presbyteries, constituting one annually as a Synod, to meet at Philadelphia or elsewhere, to consist of all the members of each subordinate Presbytery or meeting for this year at least: Therefore it is agreed by the Presbytery after serious deliberation, that the first subordinate meeting or Presbytery, to meet at Philadelphia or elsewhere, as they shall see fit, do consist of these following members, viz.: Masters Andrews, Jones, Powell, Orr, Bradner and Morgan. And the second to meet at New Castle or elsewhere, as they shall see fit, to consist of these, viz.: Masters Anderson, McGill, Gillespie, Wotherspoon, Evans and Conn. The third to meet at Snow Hill or elsewhere, to consist of these, viz.: Masters Davis, Hampton and Henry. And in consideration that only our brethren, Mr. McNish and Mr. Pumry, are of our number upon Long Island at present, we earnestly recommend it to them to use their best endeavors with the neighboring brethren that are settled there, which as yet join not with us, to join with them in erecting a fourth Presbytery. And as to the time of the meeting of the respective Presbyteries, it is ordered that that be left to their own discretion.—1716, p. 45.

b. Agreed that Messrs. Cross, Gilbert Tennant, Francis Alison, Treat, Chestnut, Martin, Beatty, Greenman, Hunter, Ramsey, Lawrence, and Kinkead, be the Presbytery of Philadelphia. Agreed that Messrs. John Mill, Tuttle, Harris, Henry, and Wilson, be a Lewestown Presbytery, and have under their care the congregations in Kent on Delaware, Sussex, Worcester, Somerset, Dorset, Queen Anne's, and Kent in Maryland.—1758, p. 288.

Agreed, that Messrs. Craighead, Black, Craig, Miller, Davies, Todd, Henry, Wright, Brown, and Martin, in Virginia and southward, be the Presbytery of Hanover, to meet for the first time at Mr. Wright's congregation in Cumberland county, on the second Wednesday of July next.—1758, p. 289.

c. An *Overture* was laid before the Assembly, through the Synod of Philadelphia, requesting a division of the Presbytery of Carlisle. Whereupon,

Resolved, That the said Presbytery be divided into two Presbyteries.—1765, p. 349.

[Note.—Carlisle and Huntingdon, 1794, p. 89. See also Columbia, 1802, p. 251; Oneida, p. 252; Shenango, 1826, p. 176; Detroit, 1827, p. 206; and the Missionary Presbyteries generally. Later usage is to specify the congregations within the bounds assigned. A Presbytery may, however, be formed without any organized churches. See 1848, p. 20, O. S.; 1851, p. 35, O. S. But not without a definite territory. 1834, p. 441. Nor within the bounds of another Presbytery.—1873, pp. 506, 525.]

2. The Assembly refuses to erect a Presbytery of less than the Constitutional number.

Overture from eight ministers and ruling elders in the Indian Territory, petitioning for a new Presbytery of that name. The Committee report that it does not appear that the number of ministers now constitutionally requisite for the formation of a Presbytery are found among the petitioners or in the proposed region. They, therefore, recommend that the answer be in the negative.—1871, p. 545.

3. A Presbytery with less than five ministers dissolved.

The Presbytery of New Orleans not having had, for several years, the Constitutional number of ministers, was dissolved, and its ministers and churches were ordered to be attached to the Presbytery of Austin.—1880, p. 83.

4. Mission Presbyteries with less than five ministers may be continued.

Overture from the Presbytery of Santa Fé, asking for an explanation of the meaning of Chap. x, Sec. ii, of the Form of Government, as recently amended, and specially inquiring whether that section as amended contemplates the dissolution of Presbyteries previously organized with less than five ministers.

Your Committee respectfully recommended the adoption of the following resolutions:

1. That the attention of the members of the Presbytery of Santa Fé be called to the exact language of the chapter and section referred to,

which is: "A presbytery consists of all the ministers, in number not less than five, and one ruling elder from each congregation, within a certain district."

2. This section, as it now reads, does not contemplate the dissolution of Presbyteries previously organized in remote and isolated regions with less than five ministers.

3. The attention of the members of the Presbytery of Santa Fé is called to p. 143 of Moore's *Digest*, 1886, where it may be seen that the General Assembly is disposed to excuse remote and isolated Presbyteries from strict compliance with certain general rules, when it shall appear that every reasonable effort has been made to comply with said rules.

4. The Presbytery of Santa Fé are referred to their Synod for further direction as to the general contents of their Overture.—1877, p. 549.

5. "Elective affinity" Presbyteries condemned.

Resolved, That the erection of church courts, and especially of Presbyteries and Synods, on the principle of "elective affinity"—that is, judicatories not bounded by geographical limits, but having a chief regard in their erection to diversities of doctrinal belief and of ecclesiastical polity—is contrary both to the letter and the spirit of our Constitution, and opens a wide door for mischiefs and abuses of the most serious kind. One such Presbytery, if so disposed, might in process of time fill the whole Church with unsound and schismatic ministers, especially if the principle were adopted that regular testimonials must of course secure the admission of those who bore them into any other Presbytery. Such a Presbytery, moreover, being without geographical bounds, might enter the limits and disturb the repose of any church into which it might think proper to intrude, and thus divide churches, stir up strife, and promote party spirit and schism with all their deplorable consequences. Surely a plan of procedure in the Church of God which naturally and almost unavoidably tends to produce effects such as these, ought to be frowned upon, and, as soon as possible, terminated by the supreme judicatory of the Church.—1835, p. 486.

[NOTE.—Exceptions were made in behalf of the missionaries among the Indians—*Minutes* 1826, p. 181; 1828, pp. 246, 247; 1829, p. 259.]

6. Presbyteries to be defined by geographical lines or lines of travel.

1. That each several Presbytery, with the ministers and churches within its limits, be defined as to boundaries by geographical lines, or with respect to the most convenient lines of travel.—1870, p. 88.

7. Presbyteries may not be organized so as to cover the same ground.

a. A Memorial from David M. Wilson, of the Presbytery of Kingston, Synod of Tennessee, praying this General Assembly to give an authoritative deliverance in reference to the right of a Synod to organize a colored Presbytery on territory included in Presbyteries already existing.

The Committee on Polity recommend that this request be not granted, and that the authoritative deliverance be made according to the definition of a Presbytery, in Chap. x, Sec. ii, of our Form of Government, viz.: "A presbytery consists of all the ministers, in number not less than five, and one ruling elder from each congregation within a certain district."

The General Assembly must forbid the organization of more Presbyteries than one upon the same ground, allowing no distinction of race or color or language to interfere with the unity and simplicity of that oversight which the Constitution of this Church requires.—1873, p. 525.

b. The Committee (on Polity) would give the same reply to the application for a *German* Presbytery that was given to the application for a *colored* Presbytery. (See above.)—1873, p. 539.

c. The Committee on the Records of the Synod of Tennessee recommended their approval, except that the organization of a Presbytery as authorized by the action of Synod, recorded on p. 361 (see *a*, above), would be irregular, for the reason that the new Presbytery would cover territory already belonging to other Presbyteries, and the same territory thus come under the jurisdiction of different Presbyteries.—1873, p. 506.

[NOTE.—These decisions modified by subsequent Constitutional enactment, Form of Government, Chap. x, Sec. ii. See p. 141, 20, below.]

8. Presbyteries and Synods in foreign missionary fields.

The Committee, to whom was referred the Report of the Special Committee on Missionary Presbyteries and Synods appointed by the last General Assembly, presented their Report, recommending the adoption of the following rules in reference to the formation of Synods and Presbyteries in foreign missionary fields:

I. In regions occupied by the Presbyterian Board of Foreign Missions *only:*

1. In such regions, Presbyteries, and eventually Synods, may be organized, at discretion, if not already organized; under whose care the native churches in the missions shall be placed.

2. Each Presbytery shall consist of all the ministers, foreign and native, not less than five in number, and a ruling elder from each church within its bounds.

3. Such Synod shall regularly send to the General Assembly certified copies of their Minutes; and such Presbyteries, narratives of the state of religion and statistical reports.

II. In regions occupied by the Board and by the missions of other Presbyterian denominations:

1. In such regions, missionary churches, Presbyteries, and Synods, holding the same faith and order, should be encouraged to enter into organic relations with each other for joint work in the common field.

2. For purposes of representation, however, the ordained ministers, foreign and native, connected with the Board of Foreign Missions, if sufficient in number, shall, with an elder from each of their churches, be regarded as a distinct Presbytery, entitled to appoint Commissioners to the General Assembly.

3. In all organizations constituted on this plan it is understood that no allowance is to be given to any departure from the Confession of Faith of the Presbyterian churches of Great Britain and America.—1879, p. 620.

9. Union Presbyteries in foreign fields.

a. That the formation of Union Presbyteries in foreign fields jointly occupied by organizations in harmony with the reformed system of doctrine and with the Presbyterian polity is encouraged; and that the whole subject of the relation of our American ordained missionaries to these

Union Presbyteries is referred to a Committee of three ministers and two ruling elders, whose duty shall be carefully to define the ecclesiastical status of such missionaries, and report to the next General Assembly for approval.—1886, p. 54.

b. On the Report of the Committee the following resolutions were adopted.

1. That in order to build up independent national churches holding to the Reformed doctrine and the Presbyterian polity, on foreign fields, the more general and complete identification of our missionaries with the native ministers and churches and other foreign missionaries on these fields, is of the most vital importance, and needs to be pushed forward as rapidly as is consistent with a due regard to the interests of all parties to these unions.

2. That in countries where it is possible satisfactorily to form Union Presbyteries, the further organization of Presbyteries in connection with this General Assembly is discouraged, and in countries where there are now Presbyteries in connection with this General Assembly, but where it is possible satisfactorily to form Union Presbyteries, it is strongly urged that the steps be taken as rapidly as this can wisely be done, to merge the membership in Union Presbyteries, and to dissolve the Presbyteries of this General Assembly.

3. That in the case of our ordained foreign missionaries who are not in full membership of Union Presbyteries covering the territory where they reside, it is urged that so soon as practicable, they become full members; and also that when our foreign missionaries are full members of these or as rapidly as they become such, they are urged to ask letters of dismissal from their Presbyteries to these Union Presbyteries; and, it is hereby ordered, that as soon as these letters are accepted, they cease to be regular members of these Presbyteries.

4. That in case any missionary thinks it undesirable to make this transfer of ecclesiastical membership, the decision as to the question shall be left to the home Presbytery to which he belongs; before which body, if so desired by it, he shall lay his reasons for the delay; and the Presbyteries are requested to use patience in dealing with such cases.

5. That each home Presbytery shall from year to year, in its statistical report, place on a supplementary roll, to be published with the remainder of the report in the *Minutes* of the General Assembly, the names of all ordained missionaries who, having been sent out by it, are still engaged in our foreign missionary work, but who, by joining Union Presbyteries in harmony with the Reformed doctrine and Presbyterian polity, have severed their former membership with the home Presbytery.

6. That in all regions where, through the organization of Union Presbyteries, there are no Presbyteries in connection with this Assembly, each mission organized as such under our Board of Foreign Missions may send to the General Assembly an ordained missionary, or ruling elder, as a delegate; and the standing rules of the Assembly are hereby so amended that such delegate is entitled to sit as an advisory member in the Assembly, and to speak, under the rules, on all questions, and that his expenses from his domicile in this country to and during the Assembly and return, shall be met as those of Commissioners out of the funds of the Assembly; and further that Synods be requested to make a suitable provision for a similar representation at their meetings. (See p. 364, 3.)

7. That Presbyteries are advised that the rule as to foreign ministers who seek to enter our Presbyteries is interpreted, as not applying to missionaries who have been placed on the supplementary rolls of Presbyteries, and who bring letters of dismissal from Union Presbyteries.—1887, pp. 23, 24.

10. A minister may not be a member of two Presbyteries at the same time.

A request for an authoritative answer to the question, whether missionaries can retain their membership in their home Presbyteries in this country, and at the same time be members of the Presbyteries formed on *Mission* fields.

As to the question of membership in two Presbyteries at one time, we recommend the answer that "It is not possible, under our Form of Government, for a minister to be a member of two Presbyteries at one and the same time."—1925, p. 67.

11. A Presbytery cannot be under two independent ecclesiastical jurisdictions at the same time.

Overtures Nos. 89 to *94*, from the Presbyteries of Corning, Hainan, Iowa, Waterloo, Columbus, Council Bluffs, all being in substance as follows:

"The Presbytery of Hainan respectfully overtures the General Assembly to grant to said Presbytery the power to act as a Presbytery under the Home Church in connection with the Synod of Iowa, with the right to send Commissioners to the General Assembly and to approach it by way of Overture, while at the same time being members of, or assessors in, the independent courts of the Chinese Church, but subject in respect to discipline to the Courts of the Home Church only."

It is recommended that the request be not granted, for the reason that a Presbytery cannot be under two independent ecclesiastical jurisdictions at the same time.—1907, p. 228.

12. Ministers without charge are constituent members of Presbytery.

Are ministers without charges constituent members of our Church judicatures, and have they an equal voice with settled pastors and ruling elders of congregations in ecclesiastical governments?

In the judgment of this Assembly this question is answered affirmatively, Chap. x, Sec. ii, of the Form of Government of the Presbyterian Church, in these words: "A presbytery consists of all the ministers and one ruling elder from each congregation within a certain district."—1816, p. 615.

13. Elders without charge and membership in Presbytery.

[NOTE.—See below, under Chap. xiii, Sec. viii, p. 396.]

14. Ministers without charge must unite with the Presbytery within whose bounds they reside.

That ministers without charge are required to unite with that Presbytery, within the geographical limits of which they ordinarily reside, or are nearest to, and to which they shall be amenable for the proper discharge of their ordination engagements.—1870, p. 88.

15. The above rule defined and affirmed.

The Committee on Bills and Overtures reported back *Overture No. 32*, which was adopted as explanatory of principle 5, page 88, of the *Minutes* of the Assembly of 1870, as follows:

The Assembly, in reconstructing the Church, did, by the act of reconstruction, design to return to the exact language of the Form of Government, which declares that a "presbytery consists of all the ministers and one ruling elder from each congregation within a certain district." Ministers residing within the geographical limits of a Presbytery were, *ipso facto* (provided they were in good standing in the Presbytery to which they belonged), members of that Presbytery, and should have been so enrolled.

After the Presbyteries were reconstructed, all ministers uniting with them could only be received by regular letters of dismission and recommendation.

The Assembly also affirms the duty of ministers to unite with the Presbyteries within whose bounds they reside; except where their ministerial labors are in an adjacent Presbytery.—1872, p. 94.

16. Non-residents to be transferred to the Presbyteries within the bounds of which they reside.

The Committee to whom was referred an Overture from the Synod of Albany, in regard to non-resident members of Presbyteries, made the following Report, which was adopted, viz.:

In conformity with the Overture from the Synod of Albany, the Committee would recommend to the Assembly the adoption of the following resolution, viz.:

Resolved, That it be enjoined on the Presbyteries to inquire carefully in regard to any of their members, who may be residing without the bounds of the respective Presbyteries, whether there be sufficient cause for such non-residence; and if not, that measures be taken to transfer the relation of such ministers to the Presbyteries in the bounds of which they reside.—1836, p. 530.

17. The Presbytery to judge each case of those living out of their bounds.

a. *Overture*, being a request from the Presbytery of Cleveland: 1. That this Assembly lay down some general rule for dealing with those members of Presbyteries who, not actively engaged in the pastoral work, neglect to report to their Presbyteries; and,

2. To lay down some uniform rule concerning those ministers who leave the bounds of their own Presbytery and neglect to remove their connection, though their residence is permanently fixed within the bounds of another Presbytery. The Committee recommend that each such case be decided by the Presbytery on its own merits.—1878, p. 57.

b. *Overture* from the Presbytery of Philadelphia, in reference to the case of Rev. James Smith.

As the Rev. James Smith, at the time of the reconstruction of our Synods and Presbyteries, resided in the territory covered by the Presbytery of Wisconsin River, he should have united with that Presbytery. Having failed to do so, and the Presbytery of Philadelphia having informed the Presbytery of Wisconsin River of his status at the time of the reconstruction, the latter Presbytery should communicate with him as to his duty, ascertain why he failed to report to them, and enroll him as one of their members.—1879, p. 612.

18. The General Assembly has power to erect a Presbytery and to name its members.

Overture No. 54, from the Presbytery of Central Washington, asking whether the Presbytery of Central Washington is legally constituted, and whether the ministers who compose it should have had letters from the Presbyteries to which they belonged before the erection of the new Presbytery?

Your Committee recommend, that it be the judgment of this Assembly that the Enabling Act of the Assembly of 1901 (see *Minutes*, p. 89), in which the boundaries of the Presbytery of Central Washington were clearly defined, a Convener appointed, and a Home Mission Committee named to have charge of the business until the Presbytery had been convened, was the legal erection of the Presbytery, and that the ministers within the boundary described are members of the Presbytery by virtue of the aforesaid action of the General Assembly (see *Digest*, 1898, p. 302). —1902, p. 123.

19. Ministers named by the General Assembly do not need letters of dismissal. All other ministers must have letters.

The Committee on the Records of the Synod of Central and Southern China reported answers to certain questions propounded to the Assembly by the Synod, as follows:

The General Assembly answers the questions propounded by the Synod of Central and Southern China, Minutes of Synod for 1900, p. 14, as follows:

Question 1.—When a new Presbytery is erected by order of General Assembly, in addition to the names of ministers designated in the order of the Assembly, what other names may be added to the roll at the time of organization? *Answer.*—Presbytery should first be organized with those designated by the Assembly, then any other ministers who have letters of dismission for the purpose may be received.

Question 2.—Should the roll include all ministers residing within the bounds of the Presbytery at the time of its erection? Answered in first reply.

Question 3.—Are ministers residing within the bounds of a Presbytery at the time of its erection *ipso facto* members of the new Presbytery, or must they first receive letters from the Presbyteries with which they were previously connected? *Answer.*—They must first receive letters of dismissal.

Question 4.—If a minister residing within the bounds of a new Presbytery at the time of its erection continues to labor within its bounds, but is unwilling to connect himself with the said Presbytery, what action, if any, should be taken by Presbytery in regard to his case? *Answer.*—Every Presbytery has oversight of the work within its own bounds. If a minister of another Presbytery refuses to connect himself with the Presbytery within whose bounds he labors the Presbytery may refuse him permission to continue his labors within their bounds and may complain to the Presbytery of which he is a member, in case he continues his labors without such permission.—1901, p. 167.

[Note.—For the names of Presbyteries erected by the General Assembly, see under Organization of Synods, *Digest*, 1930, Vol. II, pp. 382-431.]

20. Interpretation of Constitutional amendment as to separation of races in Presbyteries and Synods.

The interpretation proposed in the *Overture*, which is from the Presbytery of Robert Donnell, and which is hereby granted, contains the following language:

The amendment which it is proposed to interpret is as follows: "But in exceptional cases a presbytery may be organized within the boundaries of existing presbyteries, in the interests of ministers and churches speaking other than the English language, or of those of a particular race; but in no case without their consent; and the same rules shall apply to synods" (Form of Government, Chap. x, Sec. ii.)

The interpretation is:

Under this provision, if a Presbytery is composed of more than one race, and any one of the races desires to be in a Presbytery separate from the other race, or races, it may petition Synod to so separate it. It does not have to ask permission of any other race to make petition to Synod, nor does the Synod have to ask the permission of any other race to grant the Petition.

The rule is the same for the Synod. That is, if any race in a mixed Synod desires to be separated from the other races into a Synod exclusively for its own race, it will have to make petition to the General Assembly.

The amendment to the Constitution authorizes the Synods and General Assembly to grant such Petitions.

The phrase, "but in no case without their consent," has no application where any race is making petition for separation. It applies to Presbyteries and Synods in which more than one race operates, and in which all want to remain just as they are. The Synod has no authority to make a separation in a Presbytery where no race wants separation; nor has the General Assembly any authority to make a separation in a Synod where no race wants separation. "But in no case without their consent" limits the authority of the Synod and General Assembly, and does not limit, nor hinder, the privilege of any race that wants to be separated from others. —1907, p. 240.

21. Jurisdiction over members non-resident.

[Note.—See this *Digest*, Book of Discipline, Chap. xi, Sec. 110, p. 750.]

III. Every congregation, which has a stated pastor, has a right to be represented by one elder; and every collegiate church by two or more elders, in proportion to the number of its pastors.

1. Collegiate church defined.

[Note.—From usage of the General Assembly, it is commonly understood that the term "collegiate church" indicates a church having more than one pastor; and the right asserted above of equal numerical representation as between pastors and elders is in harmony with the requirements of equal numerical representation in the membership of the higher judicatories of the church.]

2. Churches should be represented by elders at adjourned as well as regular meetings.

Overture No. 91, from the Presbytery of Pueblo, as follows: Can Presbytery, at an adjourned meeting, enroll and seat as a presbyter an elder whose credentials show that he was not elected or appointed to represent his church at the regular meeting, either as principal or alternate? *Answer.*—The adjourned meeting is a continuation of the stated meeting. The Session should represent itself at the stated meeting; but if it have failed to do so, it then ought to represent itself at the adjourned meeting. and its representative should be enrolled as such.—1905, p. 208.

3. Where a minister is pastor of one church and stated supply of another each is entitled to be represented by one elder.

Where a minister is at the same time pastor of one church, and acts as stated supply of another, has each of said churches a right to be represented by its own elder, at the same meeting of the Presbytery or Synod? or does this case come under the rule Chap. x, Sec. iv, Form of Government?

The Assembly answer, That churches having stated supplies only are not such churches as are contemplated in the article referred to, and have a right of representation according to the principles of the Form of Government, Chap. x, Sec. v.—1851, p. 15, N. S.; also 1847, p. 377, O. S.

4. Grouped churches located in two Presbyteries must have pastors.

Overture No. 234, from the Presbytery of Pueblo, asking the General Assembly to answer the following question, as to the interpretation of a deliverance of the General Assembly of 1874 with reference to grouped churches: Shall the decision of the General Assembly of 1874, p. 82, concerning two churches in two Presbyteries, united under one pastoral charge, be interpreted so as to apply to groupings mutually made by the Presbyteries or by the Home Mission Committees, in which the minister is not an installed pastor to any of the churches, but a stated supply for each—*i.e.*, must a pastoral relation, rather than a stated supply relation, be constituted before this decision is operative? The Committee is unanimously of the opinion, and recommends the Assembly to declare, that the deliverance of the General Assembly of 1874 does not apply to congregations served by stated supplies.—1906, p. 195.

5. Churches in different Presbyteries under one pastor, as permitted by the Reconstruction Act.

Overture No. 16, from the Presbytery of Kittanning, asking further action from the Assembly in reference to churches in different Presbyteries united in one pastoral charge.

The Assembly judge any additional action upon the subject to be unnecessary, as the action of the previous Assembly was intended to cover all such cases, and is valid until repealed.—1872, p. 86.

The action referred to is as follows, viz.:

4. That when two or more congregations, on different sides of a Synodical or Presbyterial line, are under one pastoral charge, they shall all, for

the time, belong to that Presbytery with which the minister is connected, but only so long as such pastoral relation continues.—1870, p. 88.

6. Churches in different Presbyteries, under one pastor, are under the care of the Presbytery to which the pastor belongs, while the relation continues.

Overtures from the Presbyteries of Kittanning, Clarion and Blairsville: "When two churches in different Presbyteries or Synods are so situated as to make it apparent to the Presbyteries to which they belong, that they should be united in one pastoral charge, the pastoral relation may be constituted, and both churches shall, for the time being, be under the care of that Presbytery of which the pastor is a member; and this Presbyterial relation shall continue only so long as they retain the same pastor." The Committee recommended the adoption of the Overture.—1874, p. 82.

7. The course to be pursued when the pastoral relation is to be constituted over churches in different Presbyteries or Synods.

Overture from the Presbytery of Cayuga. The following action was taken by the General Assembly of 1874 (see *Minutes*, p. 82):

"When two churches in different Presbyteries, or Synods, are so situated as to make it apparent to the Presbyteries to which they belong that they should be united in one pastoral charge, the pastoral relation may be constituted; and both churches shall for the time being be under the care of that Presbytery of which the pastor is a member, and this Presbyterial relation shall continue only so long as they retain the same pastor."

The above action is silent as to how and by whom this pastoral relation over two churches in different Presbyteries is to be constituted, and as to the time when, and the process by which, one of such churches shall be transferred to the jurisdiction of the other Presbytery.

The Presbytery of Cayuga, having experienced certain difficulties in carrying out said "action," and having had our act under it declared "irregular" by the Synod of New York (see printed Minutes of the Synod of New York for 1889, p. 47), respectfully overtures the General Assembly to take such further action, supplementing the action of 1874, and in harmony therewith, as shall specifically authorize either of the Presbyteries to which the two congregations belong, upon the consent and concurrence of the other Presbytery, to constitute the pastoral relation over the two congregations; and as shall authorize the Stated Clerks of said Presbyteries to transfer, for the time being, either church, as required, to the roll and jurisdiction of the Presbytery of which the pastor is a member. Without presuming to judge the matter, we also respectfully suggest that the Presbytery of which the minister is a member, and to the care of which the congregation is to be transferred, is naturally the one to constitute, with the consent and concurrence of the other Presbytery, the pastoral relation over both congregations.

Answer: The Committee recommend the following answer as supplemental to the action of 1874 (*Digest*, 1886, p. 491):

The Presbytery of which the minister is a member, and to the care of which, for the time being, one of the churches is to be transferred, shall constitute, with the consent and concurrence of the other Presbytery, the pastoral relation over both churches. But the Presbytery from which the church is temporarily to be removed, should first authorize the transfer of said church, and direct its Stated Clerk to give notice of the same both to the church and to the other Presbytery.—1890, pp. 46, 47.

8. Pastors of grouped churches may exercise Constitutional powers only.

Overture No. 47, from the Presbytery of St. Clairsville.

Whereas the General Assemblies of the Presbyterian Church of the U. S. A., and of the United Presbyterian Church of America have approved the grouping of contiguous churches of these denominations and instructed Presbyteries to so group such churches as to form one ministerial charge: The Presbytery of St. Clairsville having just such conditions would respectfully overture the General Assembly to advise whether such authorized action includes and conveys to the Presbytery the right to afford such a minister of the other body all needful rights in the prosecution of his work.

Furthermore, the St. Clairsville Presbytery overtures the General Assembly to empower and grant to Presbyteries, if they deem wise in grouping such churches, to call as the pastor with full authority and privileges of a pastor a minister of the United Presbyterian Church, who has been approved by the Presbytery, and to be given all rights and privileges on the floor of the Presbytery, including speaking, voting, and holding office, and serving on Committees; but not in Synod or General Assembly; and the right to moderate the session and the necessary congregational meetings.

Your Committee answers the first part of the Overture in the affirmative.

As to the second part, the Committee advises that a minister of the United Presbyterian Church who is pastor of the Union Church and who is a member of another ecclesiastical body, has only the rights of a corresponding member when attending the Presbyterian Presbyteries.—1919, p. 268.

IV. Every vacant congregation which is regularly organized shall be entitled to be represented by a ruling elder in presbytery.

1. Every congregation is vacant which has not a pastor duly installed.

a. Should every congregation be considered as vacant which is not united to any minister in the pastoral relation? and if it should, is not every such congregation entitled to be represented by a ruling elder in Presbytery?

Resolved, That from a comparison of Secs. iii and v, of Chap. x, Form of Government, it is evident that every congregation without a pastor is to be regarded as a vacant congregation, and consequently, if regularly organized, is entitled to be represented by a ruling elder in a Presbytery.—1843, pp. 190, 196, O. S.

b. When a domestic missionary has organized in his field of labor two or more churches to which he statedly ministers, though not installed as pastor over any of them, are these churches to be considered vacant, and have they a right each to send an elder to represent them in Presbytery?

Answer: That in the cases specified the churches are vacant, and entitled to be represented by elders.—1860, p. 38, O. S.

c. *Overture* from the Presbytery of Bloomington, asking, "What is a vacant church?" *Answer:* "Every congregation or church is vacant which has not a pastor duly installed" (Moore's *Digest*, 1886, p. 139).—1895, p. 102. See p. 461.

2. Official declaration that a pulpit is vacant to be commended.

a. The Committee on the Records of the Synod of New York report recommending that they be approved with the exception of a statement on p. 35, viz.: That the declaring of a pulpit vacant is not fitting in cases of ordinary dissolution of a pastoral relation.—1901, p. 166.

b. *Overture No. 59*, from the Synod of New York, asking "whether the form or ceremony of declaring a pulpit vacant is a part of a judicial act, or is to be observed in every case of the dissolution of a pastoral relation."

The Committee recommends the following answer:

1. That declaring a pulpit vacant is not necessarily a part of a judicial process.

2. The custom of appointing a member of the Presbytery to declare the pulpit vacant upon the dissolution of a pastoral relation is to be commended, in that it magnifies the sacredness and importance of the pastoral relation, but there is no reason why Presbyteries may not exercise their own judgment in each case, as provided in Form of Government, Chap. x, Sec. viii, "to order whatever pertains to the spiritual welfare of the churches under their care."—1902, p. 123. See p. 461, 3.

V. Every elder not known to the presbytery shall produce a certificate of his regular appointment from the church which he represents.

VI. Any three ministers, and as many elders as may be present belonging to the presbytery, being met at the time and place appointed, shall be a quorum competent to proceed to business.

1. A quorum may be constituted wholly of ministers.

a. *Resolved,* That any three ministers of a Presbytery, being regularly convened, are a quorum competent to the transaction of all business, agreeably to the provision contained in the Form of Government, Chap. x, Sec. vii.—1843, p. 196, O. S.

In answer to Memorials on this subject, the Assembly

b. *Resolved,* That the last Assembly, in determining that three ministers are a quorum of the Presbytery when no ruling elders are present, did not detract in any degree from the dignity and importance of this office, nor did they question the perfect right or duty of elders to be present and take part in all acts of government and discipline, but only declared that according to the true intent and meaning of our Constitutional rules, their absence does not prevent the Presbytery from constituting and transacting business if three ministers are present; and this decision is based upon the fact that ministers are not only preachers of the Gospel and administrators of sealing ordinances, but also ruling elders in the very nature of their office.—1844, p. 370, O. S.

[NOTE.—Against this action of the Assembly a protest was entered by twenty-eight members of the Assembly. For protest and answer see Baird's *Digest*, revised edition, pp. 71–75. The Assembly disavows the charges by the following:]

c. *Resolved*, That this Assembly, in reaffirming those decisions of the last Assembly which have been called in question, design to maintain the purity, order and peace of the Church, and the continued and faithful observance of those principles and regulations which have heretofore been found to consist with true Christian liberty and secure the common welfare of all classes in the Church. Also, they reaffirm and maintain the Scriptural authority of the office of ruling elder, and the great importance and solemn obligation of the attendance of elders on the meetings of the judicatories of the Church, and of their equal participation in the exercise of government and discipline.—1844, p. 371, O. S.

2. Less than three ministers cannot be a quorum.

The Records of the Synod of Genesee were excepted to because the Synod made two clerical members of a Presbytery a quorum for business.—1857, p. 387, N. S.

3. Less than a quorum can do no Presbyterial act other than to adjourn. They cannot receive a member, so as to form a quorum.

The Committee appointed by the last Assembly with reference to a Presbyterial quorum presented their Report, which was adopted, and is as follows:

The *Overture* is presented in three several branches, and is in the following words, viz.:

1. Has any number of members of a Presbytery less than a quorum for the transaction of business, as mentioned in the Form of Government, Chap. x, Sec. vi, authority to transact any business except to adjourn? Have they authority to receive members into the Presbytery, to send delegates to the General Assembly, etc.?

2. And where members received into the Presbytery by a number less than a quorum take up charges on "common fame" against a minister of the Gospel belonging to such Presbytery, is a trial founded on charges so taken up authorized by our Book of Discipline?

3. Is a Presbytery duly organized, when the moderator and temporary clerk are ministers, who have not been admitted into the Presbytery by a quorum for the transaction of business? And is any business transacted by a Presbytery so organized Constitutional, especially the trial of a minister of the Gospel?

The Committee are unanimous and unhesitating in the following views, presented under the several branches of the Overture in their order.

a. *The law of a quorum.*

As to the first branch of the Overture:

The law of a quorum is not a mere rule of procedure, a provision of order, but a matter respecting the very being of the judicatory. Any number of members less than the Constitutional quorum do not make a judicatory, and are not competent to any organic act. Nor can they, by associating others with themselves, under the pretense or form of receiving them as members of the judicatory, make a Constitutional quorum. Their acts are simply null and void. *Ex nihilo nihil fit.* This statement applies to every judicatory in the series from the church Session to the General Assembly.

Any number of persons less than "three ministers, and as many elders as may be present belonging to the presbytery," do not constitute a Presbytery, and are not competent to do a Presbyterial act. Of course they have not "authority to receive members into the Presbytery," nor "to send delegates to the General Assembly." Ministers received by them do not thereby become members of the Presbytery, and, if they assume to act as such, they are simply aliens and intruders. Commissioners sent by them to the General Assembly should not be allowed to sit, when the facts of their appointment are understood.

The doings of such a meeting should not have a place on the Records. But if the Stated Clerk records them, the Presbytery itself, when Constitutionally organized, should take action to adopt or disaffirm them; and in failure of this, the Synod, under its power of review and control, should on inspection of the Records, notice the unconstitutional proceedings, and require the Presbytery to make the necessary correction.

Were it necessary to confirm these positions, it would be sufficient to refer to the decision of the General Assembly (Moore's *Digest*, 1861, p. 105) in regard to a quorum of Sessions, to the effect, that what is "necessary to constitute a quorum," is "necessary to form a Session;" and to the deliverance of the Assembly of 1860 (see *Minutes*, pp. 260, 261, N. S.), on an Overture respecting certain disorderly proceedings of a church, in which the principle is involved and affirmed, that an "unconstitutional act," is "utterly null and void;" and that "being void," it "works no effect."

b. *Taking up charges equivalent to entering process.*

As to the second branch of the Overture:

"Taking up charges" is equivalent to "entering process," or "commencing process" (cf. Book of Discipline (Old), Chap. iii, Sec. v, with Chap. v, Secs. ii and v). It is the beginning, or first normal step, of a judicial proceeding; and is of course the act of the judicatory. Now all the provisions of the Book of Discipline, in relation to the trial of persons subject to the jurisdiction of a judicatory, presuppose and assume that "the charges have been taken up," as well as that every subsequent step of the proceedings has been had by the judicatory itself. Hence the Book of Discipline does not "authorize" the trial of a minister of the Gospel by his Presbytery, "on charges taken up" by individuals usurping its prerogatives, but only on charges taken up by itself.

The Book of Discipline (Old), however, prescribes (Chap. vii, Sec. 1, Subsec. iv) that "no judicial decision of a judicatory shall be reversed, unless it be regularly brought up by Appeal or Complaint."

The trial of a minister, under the circumstances proposed in the Overture, must be regarded as any other trial, where there has been informality or irregularity in the citation, or other preliminary stages of the process. The trial, with the judgment based upon it, must be respected, until the Synod, as the superior judicatory, shall judge how far the irregularity vitiates the proceedings, and defeats the ends of justice, and shall annul or confirm the same.

[NOTE.—Paragraph c is included in this Digest because it is an integral part of this valuable deliverance of the General Assembly of 1861. It has been, however, superseded by later enactments and practice, as will be found fully stated in this *Digest*, pp. 455–56.]

c. *The moderator and clerk ministerial officers merely and not necessarily members of the judicatory.*

As to the third branch of the Overture:

The moderator and clerk are ministerial officers of the judicatory. In respect to their office, they are servants merely, and not members of the body.

Of the clerk, this would seem to be unquestionably true. The Constitution knows nothing of the *temporary* clerk as distinguished from the *Stated* Clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions, and discharge all other duties pertaining to a clerk. For the part of those duties usually devolved upon the *temporary* clerk, we believe, it is no unfrequent thing for a Presbytery to employ a licentiate, or other person not a member of the body.

Nor does the Constitution explicitly, at least, require the *moderator* to be chosen from the members of the judicatory. It does indeed prescribe (Chap. xix, Sec. ii) that, in a certain contingency, "he shall possess the casting vote." And as voting is the act of a member, the implication seems to offer itself that the moderator himself must be a member. But against this implication some other facts of the Constitution may be cited. Thus (Form of Government, Chap. ix, Sec. iii), there is the provision for inviting, in certain contingencies, a minister to moderate the church Session, who is not the pastor of the church, and of course not a member of the Session; while the general law of "Moderators" (Chap. xix) gives him the casting vote. Then, again, the Form of Government (Chap. xii, Sec. vii), prescribes, concerning the General Assembly, that "the Moderator of the last Assembly, if present, or, in case of his absence, *some other minister*, shall preside, until a new Moderator be chosen." Under this provision, it is not necessary that the minister called to preside in the Assembly should himself be in commission (Moore's *Digest*, 1861, p. 173). It may be said, that this is merely for organization. True. But the whole principle seems to be involved. For the time being, one, not a member of the Assembly, is its moderator, and as such has a casting vote on the numberless issues that may be raised between the formation of the roll and the choice of a new moderator. And in the former case, pertaining to church Sessions, no such limitation for mere organization exists. Hence these two points are clearly recognized: 1. That it is not essential to the idea of a moderator that he be a member. 2. That the privilege of a casting vote does not necessarily imply membership.

In the United States Senate, we have an instance of the moderator being foreign to the body over which he presides. By the Constitution of the United States, the Senate "shall be composed of two Senators from each State," etc. The senators make the whole body; and yet, by the same instrument, the "Vice-President of the United States shall be President of the Senate," with a casting vote. In the State of New York (as perhaps in other States) the Speaker of the Assembly may have *two* votes, one as a *member* of the body, and the casting vote besides; a fact which rebuts the supposition that the casting vote is an incident of membership.

All this is urged, without respect to the immemorial usage of our Church courts, but solely in view of what is essential by the provisions of the written Constitution and the nature of the subject.

If these suggestions are sound, then a Presbytery in the position proposed by the Overture is "duly organized," and every business done by it is Constitutional—*quoad hoc.*

2. But, if it be not admitted that the Constitution allows a Presbytery to choose for its moderator one foreign to its body, it may still be said, the selection of officers is a matter relating not to the *being* of the judicatory (like the presence of a quorum), but to its *form* and *order* merely. An irregularity here does not nullify the body. It is still a judicatory, with all the essential elements, and competent for business. Its business may be Constitutional, though done in an unconstitutional way, and liable to correction by a superior judicatory.

3. Besides, though the persons chosen officers "are ministers who have not been admitted into the Presbytery by a quorum," or (which is its meaning) *have been received by a number less than a quorum*, and are not *thereby* Constitutionally members, it would still be open to the inference that the Presbytery (with a Constitutional quorum), in choosing such persons to office, thereby virtually affirmed and adopted the previous unconstitutional act, by which they were received into the body, made it their own, and made it good.

Hence, in every view, the Committee are clearly of the opinion that, in the case proposed in the third branch of the Overture, the answer should be, that the Presbytery is "duly (that is, validly) organized," and competent to any business, including the trial of a minister of the Gospel.

Still it is obvious, that the presence in the Presbytery of persons received *members by any number less than a quorum*, and in virtue thereof claiming to exercise the privilege of members (whether chosen to office or not), may work great wrong and vexation, by overruling the voice of the majority of the lawful members of the judicatory. And every member has the Constitutional right, in some appropriate way, to carry any grievance from this source to the notice of the Synod for correction. We would, therefore, qualify the above answer to this branch of the Overture, by adding, that, however the acts of a Presbytery so organized may be irregular, they are not necessarily *void and null* (as where there is the want of a quorum), but *voidable* only in the judgment of the superior judicatory, when brought before it in a Constitutional way.—1861, pp. 455–459, N. S.; *Digest*, 1886, pp. 140–143.

4. Reception of a member by less than a quorum sanctioned by the Assembly, as an exceptional case.

a. *Overture* from the Presbytery of Santa Fé on the reception of John Annin without a Constitutional quorum; recommending that it be sanctioned, by reason of the singularity of the case.—1870, p. 49.

b. A similar case.—*Overture* from the Presbytery of East Florida, with a statement, that owing to the decease of one of their ministers, and the removal of another, they were reduced to a membership of only two ministers; and that by the advice of the Stated Clerk of the General

Assembly, they had at their recent meeting received a third minister, and having thus obtained a Constitutional quorum, had transacted the business of their stated meeting.

They ask the Assembly to legalize this proceeding. The Committee recommend that the action of the Presbytery of East Florida, in receiving the Rev. Matthew L. P. Hill, under the circumstances stated in the Memorial, be and the same is hereby ratified and confirmed—1871, p. 538.

c. Also legalizing the action of the Presbytery of East Florida, in receiving Calvin E. Stowe, D. D., and Rev. James K. Warner, a quorum of members not being present.—1872, p. 87.

d. The Presbytery of Montana respectfully represent to the General Assembly, that at its late meeting, April 3, 1877, only two ministers and two elders were present to constitute the same. Before any business was transacted, Rev. John D. Hewitt was received by letter from the Presbytery of New Brunswick. After this action, the regular Presbyterial business was attended to. Whereas doubt exists whether such proceedings were regular according to the rules of the Church, this Presbytery respectfully requests the Assembly to affirm this action and declare it valid.

The Committee recommend that, owing to the singularity of the case and the difficulty in the way of the members of the Presbytery coming together, the request be granted.—1877, p. 529.

5. Action taken when quorum is not present can be ratified only by the Presbytery when a quorum is present.

The Presbytery of Bismarck is given an unconditional and unlimited authority to receive and dismiss members, presumably (as appears from other statements in the Records) in the absence of a quorum. The Assembly declares such a bestowment of power to have been unwise and inexpedient, if not unconstitutional (*Digest*, 1898, pp. 187, 189). Further, the proceedings of said Presbytery under date of October 6, 1896, when there was no quorum, are legalized by Synod. The Assembly declares that for a Synod to legalize the entire proceedings of a Presbytery had without a quorum is in direct conflict with the Constitutional requirement of a quorum, and that the proper body to ratify and confirm any irregular and informal proceedings of a Presbytery when no quorum was present, is the Presbytery itself, at a subsequent meeting when there was a quorum (*Digest*, 1898, pp. 239, 240, 2 and 3). The Presbytery of Bismarck is therefore directed at its next regular meeting to review the proceedings of its meeting of October 6, 1896, and to adopt or reject the same in whole or in part, as they may see fit. And the Stated Clerk of the General Assembly is requested to notify the clerk of said Presbytery accordingly, and the Synod to take note hereof (Synod of 1896, North Dakota).—1898, p.139

6. Action of Presbytery lacking a quorum validated.

Overture No. 256, from the Presbytery of Oxford, in which the General Assembly is asked to validate the action of a minority of said Presbytery, taken at two meetings, held respectively on April 6, 1915, and April 20, 1915, at neither of which a quorum of the Presbytery was present. The particular action sought to be validated was the reception, in each instance, of a minister who had been regularly dismissed to said Presbytery.

It appears that due diligence was exercised to secure the presence of a quorum, but on account of the small number of members constituting the Presbytery (only eight ministers), and the long distances to be traveled in order to reach the place of meeting, a quorum was lacking.

The law of the Church is clear as to the necessity of the presence of a quorum in order to the legal conduct of business; but, inasmuch as in the instances brought before us, no interests were jeopardized, but, rather, the interests of the Presbytery were served, it is recommended that the prayer of the Memorial be granted, and the action taken in both instances be validated, but as exceptional cases.—1915, p. 169.

7. Minister received without Constitutional quorum.

Overture No. 26, from the Presbytery of Bell, asking the Assembly to approve its action in receiving a minister without the Constitutional quorum being present.

It is recommended that this request be granted, and that the Assembly approves and confirms the action of the Presbytery of Bell in receiving Rev. W. J. King at the meeting referred to, in view of the fact that it was impossible to secure a quorum because of the withdrawal of former members of Presbytery.—1909, p. 189.

8. A Presbytery with a minimum of ministers either to be enlarged by Synod or merged into other Presbyteries.

The Records show that authority was conferred upon the Stated Clerk of the Presbytery of Bismarck, in the absence of a quorum, to receive and to dismiss members, which the Assembly herewith directs the Synod to recall as an unconstitutional conferment of power. And, in view of the fact that the Presbytery had by the last Statistical Report only the minimum of ministers essential to its existence, and in view of the further facts disclosed by the Synod's Minutes, viz., that this Presbytery has chronic difficulty in securing a quorum, and has applied in vain to Synod for an enlargement of its bounds, therefore the Synod is hereby directed to so readjust the bounds of this Presbytery as that it shall be either enlarged in membership or merged into other Presbyteries (Synod of North Dakota).—1898, p. 139.

VII. The Presbytery has power to receive and issue all appeals, complaints, and references, that are regularly brought before it from church sessions, *provided*, that cases may be transmitted to Judicial Commissions as prescribed in the Book of Discipline; to examine and license candidates for the holy ministry; to ordain, install, remove, and judge ministers· to examine and approve or censure the records of church sessions; to resolve questions of doctrine or discipline seriously and reasonably proposed; to condemn erroneous opinions which injure the purity or peace of the Church; to visit particular churches, for the purpose of inquiring into their state, and redressing the evils that may have arisen in them; to unite or divide congregations, at the request of the people, or to form or receive new congregations, and, in general, to order whatever pertains to the spiritual welfare of the churches under their care. The Presbytery may appoint a General Council, in accordance with the provisions of Chapter XXVI of the Form of Government; *provided*, that judicial cases shall be referred only to Judicial Commissions.

I. TO RECEIVE AND ISSUE APPEALS, COMPLAINTS AND REFERENCES FROM CHURCH SESSIONS

1. The acts of Presbytery subject to appeal; but must be obeyed until repealed or modified.

The acts of Presbytery may be appealed from or complained of to a higher judicatory; and in the absence of such Appeal or Complaint they are to be respected and obeyed until repealed or modified.

Where Complaint against the action of Presbytery is taken to Synod, and when no one appears to prosecute such Complaint, and the Complaint is dismissed by the Synod, this action of the Presbytery remains in full force and effect.—1896, p. 131.

[NOTE.—See under Appeals, etc., Book of Discipline, Chap. ix, Subsecs, iii, iv.]

II. TO EXAMINE AND LICENSE CANDIDATES FOR THE HOLY MINISTRY.

1. Licentiates should be regularly received. Caution to be used.

[NOTE.—See case of John McClean, 1772, p. 435; of Francis Hindman, 1791, p. 37; and of James McCoy, 1791, p. 38; *Digest*, 1886, pp. 144, 145. Also Form of Government, Chap. xiv, "Of Licensing Candidates or Probationers to Preach the Gospel."]

2. Time limit for licenses.

The Committee recommend the Assembly to adopt the following rules:

1. Every license to preach the Gospel shall expire at the end of the period of four years, unless the candidate holding the same shall, before the expiration of that time, be called to permanent labor in the work of the Church. But the Presbytery, under whose care such licentiate may be, may, in its discretion, extend his license for the period of one year.

1. The Presbyteries are enjoined to take the oversight of their licentiates and their vacant churches, bringing in the one for the supply of the other; and, through the Home Missionary Committees of the Synods to which the Presbyteries belong, to seek to introduce their candidates to the widest fields of labor, and to furnish them full opportunity of practically showing their fitness for the Christian ministry.—1872, p. 87.

3. The Assembly's Constitutional powers in licensure.

Overture No. 3, from the Presbytery of Westchester, asking the Assembly to determine:

1. In what way the action of the General Assembly of 1872, in the matter of limiting licenses to preach [*Digest*, p. 401], shall be applied to those who were licentiates at the time such action was taken.

2. In what sense the words, "extraordinary cases," in the action of 1873 (*Minutes* 1873, p. 524), on this subject, are to be understood.

3. To make an explicit deliverance, as to the powers of the General Assembly over the functions of the Presbytery in granting and continuing licenses to preach the Gospel.

The Committee recommended the following answer:

1. The action of the Assembly of 1872 requires, that all licenses then in force expire in four years from the date of that action.

2. The determination of the sense of the words "extraordinary cases," must be left to the Presbytery, in connection with the circumstances of each case.

But it is clear that their reference is to the preparatory studies of the candidates, and not to a class who had only a higher usefulness, and not the ministry, in view. See this *Digest*, pp. 185, 293, 295, 635.

3. The Assembly has no power over the functions of the Presbytery in granting and continuing licenses, save that of review and control.—1874, p. 81.

4. Rights and duties of the Presbyteries in licensing candidates.

While fully recognizing the Constitutional right of Presbyteries in the matter of licensing candidates for the ministry, (Form of Government, Chap. xiv), we are nevertheless urgent that Presbyteries have special care of their examinations in subjects required by the Form of Government, Chap. xiv, Sec. iv, and that due respect be given to the deliverances of the General Assembly in the matter of the education of students for the Gospel ministry.—1896, p. 161.

5. May a Presbytery examine, license, ordain, a person whose church membership is outside its own bounds?

Overture No. 261, from the Presbytery of Los Angeles, being an interrogatory relating to the licensure and ordination of a candidate, in the following terms:

"Is it Constitutional and right for a Presbytery to receive, and act upon, a request for examination, licensure and ordination of a person whose membership is known to be in a church that is without the bounds of the Presbytery acting?"

It is recommended that this interrogatory be answered in the affirmative, subject to the requirements of the Form of Government, Chap. xiv, Sec. ix.—1913, p. 163. (See p. 409, 11.)

6. Presbytery sustained in licensing candidates when sufficient proof per contra is wanting.

The Permanent Judicial Commission, to which was referred for hearing and adjudication the *Complaint* of the Rev. Henry B. Elliott and others, against the Synod of New York, do hereby report that we have reviewed the case, upon the Records, and have heard both complainants and respondents, each side being accorded three hours, and, after full and careful consideration, we report as follows:

The Complaints are lodged against the action of the Synod of New York in sustaining the action of the Presbytery of New York, in licensing three (3) candidates to preach the Gospel and subsequently ordaining two of them to the Gospel ministry. It is alleged on the one hand that the examination of said candidates disclosed very serious disbelief or at least doubt concerning important doctrines of the Church, while on the other hand this allegation is explicitly and positively denied. It is averred in the Complaints that they refused to affirm their faith in the inspiration and supreme authority of the Holy Scripture, in the virgin birth of our Lord, in the truth of St. John's account of raising Lazarus from the dead and in the actual bodily resurrection of Christ.

The respondents deny these allegations, and affirm on the contrary that said candidates avowed their full faith in the inspiration and authority of the Holy Scriptures, and that they sincerely profess their acceptance of the Confession of Faith as containing the system of doctrine taught in the Scriptures. That in fact they do not deny the virgin birth of our Lord, but were not prepared to affirm it with the same positiveness as for some other doctrine. That their hesitation upon the doctrine indicated an unfinished consideration of the subject rather than any positive disbelief. Such were the issues presented.

The complainants are right in attaching the greatest importance to such wide departures from the faith as they allege—departures which if allowed not only would dissolve the foundations of the Presbyterian Church, but equally would destroy historic Christianity in all the Protestant Evangelical Churches throughout the world. If the contention of the complainants in respect to such radical departures from acknowledged standards had been proven in this case, the Commission must have reversed the action of the Synod, and have censured the Presbytery, since it is indubitable that this Church stands to-day as she has stood in all her history for the inspiration, integrity and authority of the Holy Scriptures, and confesses the virgin birth of our Lord and his actual bodily resurrection as component parts of the faith once delivered to the saints and most surely witnessed to in history. These doctrines have been confessed in the immemorial testimony of the Church, and the facts involved are the facts upon which among others Christianity rests. No one who denies them or is in serious doubt concerning them should be either licensed or ordained as a minister.

But it has not been proven that the candidates named in the Complaint have in fact denied or seriously questioned these doctrines. The examinations in the Presbytery in April, 1909, were largely oral, based mainly upon a brief paper or statement of belief written by each candidate and now embodied in the Record. This first examination was unsatisfactory and was not sustained by the Presbytery. About two months thereafter a second examination was had, which was wholly oral, and this examination was sustained. Just what it was in the second examination that changed the conviction of the majority of the Presbytery from not sustaining to sustaining can be inferred only, as it is not contained in the Record. The Record gives a list of the topics or common heads of divinity, possibly some of the questions, put to the candidates, but not their answers. The complainants contend that the answers were insufficient; the respondents that they were sufficient. Thus the issue is joined and proof is wanting, so far as the second examination is concerned.

Upon the Record presented we are unable to say that the Synod erred in declining to sustain the Complaint against the Presbytery.

In our judgment, however, the action of the Presbytery of New York in ordaining two of the three candidates against the strong protest of so considerable a minority of the Presbytery was unwise and not for the edification of the Church, in view of the fact that the questions under dispute were, by complaint, on their way to be reviewed by a higher judicatory.

For the reasons above set forth we adjudge that the Complaints against the Synod be not sustained.

But in view of the fact that in the adjudication of this case the Permanent Judicial Commission has had brought to their attention the fact of the deep concern in the Church in regard to the induction of young men into the ministry whose views on fundamental facts of the Scriptures and our Standards are sometimes immature or unsound, therefore we deem it timely to suggest to the General Assembly that it set forth a public deliverance enjoining all Presbyteries under its jurisdiction to use great care in the examination of candidates; and that men of immature or unsettled views be placed under Presbyterial oversight until their views are matured and brought into full harmony with the Word of God as interpreted by our Standards.—1910, pp. 191, 193.

[NOTE.—The recommendation contained in the Judgment of the Commission was referred to the Committee on Bills and Overtures, with instructions to report a deliverance, for which see this *Digest*, pp. 289–291.]

7. Decision as between two Presbyteries claiming authority over same candidate.

Judicial Case.—The Appeal of the Presbytery of Tulsa vs. the Synod of Oklahoma.

In this case the Presbytery of Tulsa presented a Memorial to the Synod of Oklahoma complaining against the action of the Presbytery of Cimarron in licensing and ordaining to the Gospel ministry a person over whom Tulsa Presbytery claimed jurisdiction as a candidate under its care. The Synod considered the Complaint and entered its judgment, which was that the Memorial be dismissed, because the only action which could be taken would be to direct the Cimarron Presbytery to file charges to depose the party ordained on the ground that the ordination was procured by fraud, and as that Presbytery had already instituted proceedings and abandoned them on the ground of lack of sufficient evidence, the Synod did not deem it wise to order the Presbytery to repeal its action. The Synod, however, declared the action of Cimarron Presbytery to be irregular and cautioned it and all other Presbyteries to observe carefully all rules and procedure prescribed for such cases. They also cautioned Tulsa Presbytery and all others to exercise a closer oversight over candidates under their care than was observed in this case.

From this judgment the Tulsa Presbytery has appealed to the General Assembly.

Under the Constitution of the Church this Appeal can be entertained only on questions that affect the doctrine or Constitution of the Church. (See Form of Government, Chap. xii, Sec. iv.) On this ground the General Assembly found the case in order and referred it to this Commission for adjudication.

The Appeal contains four (4) specifications of error in the action of the Synod of Oklahoma, as follows:

1. The Synod, while acknowledging in the preamble of its decision the right of a Presbytery to jurisdiction over its candidates for ordination, denied in practice that right to the Presbytery of Tulsa, sustaining the

allegation of the Presbytery of Cimarron that the claim of the Presbytery of Tulsa was insufficient to entitle it to any relief in this matter. (Paragraph 8 of the Report of the Judicial Commission.)

2. The Presbytery of Tulsa appeals from the judgment of the Synod of Oklahoma further because the evidence upon which the charges of obtaining ordination by fraud were based is a matter of Presbyterial Record in the two Presbyteries concerned; the essential facts are matters which neither party to the case disputes, viz.: (a) That the candidate at the time of his ordination by the Presbytery of Cimarron was a candidate under the care of the Presbytery of Tulsa; (b) that he recognized such jurisdiction by applying to the Presbytery of Tulsa for ordination in May 1917; and on sufficient grounds was refused that ordination; (c) that in April, 1918, applying for ordination at the hands of the Presbytery of Cimarron, he declared that he had not been under the care of the Presbytery of Tulsa.

3. The Presbytery of Tulsa further appeals from the decision of the Synod of Oklahoma in that the Report of the Commission, inconsistent with itself, casts an unjustified reflection upon the fidelity of the Presbytery of Tulsa and its Committee on Education. The Report of the Commission acknowledges that the Presbytery of Tulsa through its Committee on Education exercised due care over the candidate during the years 1909 to 1917 inclusive; yet the Commission admonishes the Presbytery of Tulsa "to exercise a closer Presbyterial oversight over candidates under their care than was observed in this case."

4. The Presbytery of Tulsa further appeals from the decision of the Judicial Commission of the Synod of Oklahoma on the ground that the Presbytery of Tulsa was not granted reasonable indulgence before the Commission, its counsel being subjected to frequent interruptions by the counsel for the Presbytery of Cimarron and by members of the Commission so that counsel for the Presbytery of Tulsa was prevented from making a free and adequate statement of their side of the case. The Presbytery of Tulsa also complains that there was evidence of prejudice on the part of certain members of the Commission; that the appointment of one member of the Commission was protested on the ground of prejudice by the counsel for the Presbytery of Tulsa to the moderator appointing the Commission, but the protest was unheeded.

The Judicial Commission finds that specifications 2 and 3 do not concern questions of fact which involve the doctrine or Constitution of the Church and, therefore, they are not sustained as grounds of appeal.

The Judicial Commission finds no evidence to sustain the 4th specification of error and, therefore, it is not sustained.

As to the 1st specification of error, it is not sustained because the Commission finds that the Synod of Oklahoma did recognize the right of the Presbytery of Tulsa to exclusive jurisdiction over the candidates for the Gospel ministry under its care so long as they were continued as candidates; the Commission cannot say that the Synod of Oklahoma denied this right in practice, as alleged in this specification of error, because it is not clear from the Record that the candidate in this case was continued as such after May 4, 1917, and if he was not so continued as a candidate after that date, then the Cimarron Presbytery acted within its rights in ordaining him to the Gospel ministry in April, 1918, but did it in a decidedly irregular manner.

For these reasons the specifications of error are not sustained, and the judgment of the Synod of Oklahoma is affirmed.—1919, pp. 242–244.

8. Action as to the theological and educational qualifications of missionaries.

On the clear understanding that the phrase "general fitness" includes those matters lying on the borderland of doctrinal belief which, while not affecting doctrinal soundness and therefore not ordinarily coming within the scope of Presbyterian inquiry, may seriously affect a man's fitness for the foreign field, we approve the Board's declaration of policy and methods as to the theological qualifications of missionaries, which is as follows: "The Board reaffirms its adherence to the principle set forth in its action of May 6, 1902, that it has no ecclesiastical functions, and that all questions relating to ministerial standing or soundness in the faith must be authoritatively and finally settled by the Church courts. Accordingly, in any case where evidence is brought before the Board tending to show doctrinal unsoundness on the part of a ministerial appointee or candidate, it shall be promptly referred for investigation to the Presbytery to which he is responsible. The Board, however, while affirming the principle of the exclusive jurisdiction of the courts of the Church in matters of orthodoxy, does not consider itself precluded thereby from reconsidering at any time the general fitness of an appointee for the arduous and responsible service of the foreign missionary, and of assuring itself by proper and reasonable inquiries of his probable usefulness in the field. The Board directs that this action shall be especially reported to the next General Assembly for approval, modification, or reversal. In order to prevent embarrassing complications and possible disappointments, it is further *Resolved*, That in the case of a candidate who has not received his training in the Presbyterian Church, or whose educational advantages have not been such as to insure an intelligent acquaintance with the Standards of the Church, action upon his application shall ordinarily be deferred until the candidate has been examined and licensed by Presbytery."—1905, pp. 124, 125.

9. Authority of the General Assembly and the functions of Presbyteries in regard to licensure and ordination.

There may be advantage in listing some of the principles on which all seem to be agreed. These may be stated as follows:

a. Supreme authority originating in the Divine Head of the Church is communicated to the members directly by the Holy Spirit. On the human side, therefore, this authority inheres in the people so enlightened and so impelled by the Holy Spirit. This is a fundamental principle of Presbyterianism.

b. Beyond the particular church, the Presbytery is the organizational unit and the seat of original authority.

c. The powers of the General Assembly are specific, delegated, and limited, having been conferred upon it by the Presbyteries; whereas the powers of Presbyteries are general and inherent.

d. It follows that the powers of the General Assembly are enumerated and defined; but the powers of Presbytery, being reserved powers, are not necessarily fully enumerated, nor strictly defined. Future conditions may call for the exercise of powers not now employed. If such should be required, they must be found in the Presbyteries and must either be exercised by the Presbyteries directly or by them be delegated to some other body.

e. Licensure of probationers and ordination to the gospel ministry are the exclusive functions of the Presbytery. Whatever powers in this connection have been delegated to the General Assembly, the Assembly itself has no authority to perform the act either of licensure or of ordination.

f. Doubtless, it will be accepted as a sound legal principle (and this applies to other questions also which are discussed in this report) that the General Assembly cannot do indirectly what it has no authority to do directly.

g. The General Assembly is the highest court of the Church, and has authority to interpret the Constitution by general deliverances and also to interpret and apply the Constitution in specific judicial cases. This authority is set forth in the former report of the Commission.

Licensure and Ordination

In addition to the above points, there are two matters about which there is likely to be no difference of opinion but which have, to some extent, fallen out of view. At least, there is ground for believing that they have not received the attention they deserve.

The first of these is the fact that licensure as a probationer for the gospel ministry and ordination to the ministry are two things entirely distinct. The respective powers which they confer are so different as to be scarcely comparable. Licensure is a temporary privilege which can be revoked at any time at the discretion of the Presbytery. A licentiate continues to be a layman. He is not yet a minister. His status in this respect is in no way altered by his licensure. He has neither authority nor voice in the Church's government not possessed by any other unordained layman. He has the permission of Presbytery to preach the Gospel, but merely as a trial of his gifts for the purpose of ascertaining whether he be acceptable to congregations and may possibly become useful in the pastorate. A licentiate can be deprived of the privilege which his licensure extends to him, without any form of judicial procedure whatever.

In case a Presbytery errs in the licensing of a candidate, the only recourse for correcting the error, if the Presbytery cannot be persuaded to rescind its action voluntarily, is by complaint before a higher judicatory. A licentiate cannot be put on judicial trial by the Presbytery on the ground that he holds or teaches false doctrine. The Presbytery may consider the matter as it considers any other subject having to do with administrative measures and it may revoke his license on this or on any other ground; but there can be no formal charges nor any judicial trial for propagating heretical doctrines. This situation arises from the fact that the licentiate is not a member of the Presbytery but a member of a particular church, and therefore subject to its Session.

If the licentiate be charged with unchristian or immoral conduct, he can be tried only by the Session of the particular church of which, as a layman, he is still a member, and the Presbytery can consider the matter only in case of an appeal from the decision of the Session.

Ordination to the ministry, however, lies in an entirely different field. It confers upon the candidate a new status. He is a layman no longer.

He ceases to be a member of a particular church and becomes a member of a Presbytery. He is amenable to Presbytery's discipline and no charges can be preferred against him in any other ecclesiastical tribunal. Information about any member of a Presbytery may be communicated to the Presbytery from other sources and a superior judicatory may even direct the Presbytery to prefer charges against one of its members, but such a higher judicatory cannot itself frame the charges nor try the case in the first instance unless the Presbytery refuses to act. The importance of this consists in the fact that once a candidate receives ordination in a constitutional manner, he cannot, against his will, be deprived of his status or authority except by the prescribed constitutional procedure, which includes the preferring of specific charges, a formal trial and a legal conviction, followed, if he so elects, by appeal to the higher ecclesiastical courts.

A minister's status in the Presbyterian Church.

The second matter which possibly requires restatement in this connection is that a minister's membership is in the Presbytery alone. His relationship to the Presbyterian Church as a whole depends on his relationship to the Presbytery. He is not a member of the General Assembly nor of a Synod, as such, but only as he has standing in a Presbytery and is qualified to represent it. Commissioners to the General Assembly are commissioned by the Presbyteries. Even in those Synods which are not delegated bodies, membership is determined not by the fact that a minister resides within a certain geographical area but by the fact that he is a member of a Presbytery which is one of the constituent bodies of such a Synod. The General Assembly may draft into its service on committees or commissions or boards any minister in good standing, but his good standing is within the Presbytery to which he belongs. Moreover, the Assembly, in calling him to serve it, in no way interferes with or modifies his Presbyterial membership. Besides, any authority which the Assembly exercises in the premises must be a constitutional authority conferred by the Presbyteries. The result is that a minister is received throughout the Presbyterian Church and is recognized by the General Assembly solely upon the ground that he is so received and so recognized by a particular Presbytery. No other Presbytery is obliged to admit him into its membership by a letter of transfer. It has full authority to examine him as to his faith and to inquire into his conduct before receiving him. It has the right to refuse him admittance if it deem him unworthy or unqualified. Comity between Presbyteries and recognition by the General Assembly have done much to establish a sense of unity among the ministers of the Presbyterian Church, but neither of these things can annul the well-established legal principle that a minister in our denomination is such solely because he has membership in one Presbytery.

This, by no means, constitutes any Presbytery entirely a law unto itself, for the Presbyteries have adopted a constitution and have agreed to be bound together by it; but it may assist in clearing somewhat the issue now before us thus to trace to its true source the status of a Presbyterian minister.

Duties of Presbyteries.

It is with these general principles in mind that provisions of the Constitution relative to the authority of the General Assembly in licensure and ordination are to be interpreted. The rights of the Presbytery are primary and inherent, even though they may not be supreme and final. These Presbyterial rights have been carefully guarded. The means by which the General Assembly can impress its mind upon a Presbytery with regard to these matters are four in number and strictly defined, namely: (1) General Review and Control; (2) Reference; (3) Complaint; and (4) Appeal. (Book of Discipline, Chap. ix, Sec. 72.) Only two of them are under serious consideration at present; namely, Complaint and Appeal. The right of the General Assembly to take account of the action of Presbyteries in cases of licensure and of ordination is plain, but it is limited by clear constitutional definitions. It is the Presbytery which is to be satisfied with the candidate (Form of Government, Chap. xiv, Sec. vii). The General Assembly can interpret and apply the broad general principles laid down in the Constitution, but when all these requirements have been satisfied, the candidate may still be unfitted for the ministerial office. On the other hand his more personal qualifications may have a direct and somewhat important bearing upon the application, in his particular case, of the general constitutional principles just mentioned. The Presbytery is the only body whose members see the candidate and hear him, officially. It is the body qualified and constitutionally appointed to judge, at first hand, concerning his spirit and bearing, and his general attitude toward the service of Christ.

Complaint and Appeal.

The right of appeal is fundamental and belongs to the humblest litigant. The right of complaint is of like character and may be exercised by a member of any church court except the highest, where dissent or protest is the constitutional method of registering dissenting views and clearing the conscience. The Constitution seems to make it clear that the General Assembly is to have a voice regarding licensure and ordination in extraordinary cases. The Presbyteries are deemed competent to decide these questions unless there are exceptional circumstances. It appears to be the purpose that the jurisdiction of the General Assembly be invoked in cases where the issue is a narrow one and not easily decided, or where the points of difference are of great importance. The adoption of another course might tend to multiply cases in which the General Assembly becomes the judge of such matters and thus incline our practice in the direction of undermining the original responsibility of Presbyteries. A relatively small number of judicial cases in any particular period of our Church's history would seem to give the General Assembly opportunity fully to define the powers of the Assembly and the rights of Presbyteries as these are related to licensure and ordination. A loyal adherence to the well-settled principles announced in decisions covering the entire period of our denominational existence makes for peace. A Presbytery, if found to be deliberately and finally recalcitrant, can be proceeded against and appropriate action taken; and if dissatisfaction with results of such procedure be general and long-continued, the way is open by constitutional methods to bring the organic law of the Church into harmony with prevailing sentiment.

Licensure presents few difficulties.

In the case of licensure which is subject to revocation at any time by a mere vote of the Presbytery and which can be carried to the General

Assembly by complaint only (leaving out of view the method of "reference" about which there is no question), there would seem to be relatively few difficulties. If the General Assembly in the exercise of its constitutional authority finds that the Presbytery has erred either in the methods of procedure or in any other respect regarding which the General Assembly has a right to speak in response to a complaint, the error can be corrected with minimum injury either to the candidate himself or to the Church. In extreme cases the license can be revoked by the Presbytery and then renewed later if the former procedure has been improper or inadequate. If the matter complained of be doctrinal, the candidate can be continued under the care and instruction of the Presbytery, without license, until such time as it seems wise, in view of all the circumstances and of the General Assembly's decision, to extend to him once more the benefit of licensure. If it be found not necessary to revoke the license, the licentiate is still under the care of Presbytery, and ordination can be delayed until such time as the difficulties standing in the way have been removed.

The nature of ordination.

When we come to ordination, however, we are dealing with a different set of facts. As already pointed out, ordination confers a unique status. It has always been the position of the Church of Scotland that this special authority is derived from Christ directly and not through the medium of the people. The ministry is regarded as being, in a peculiar sense, a gift to the Church from her Divine Head. This conception of the ministerial office is well set forth in a report to the Scottish General Assembly of 1911 by a special committee which covered the whole subject of ordination thoroughly. The report states: "The full teaching here (that is, of the Form of Church Government as a whole, as to 'Derivation of the Ministry') is that the Christian ministry derives not from the people but from the pastors, and that a scriptural ordinance provides for this ministry being renewed through the ordination of presbyter by presbyter, that this ordinance draws its origin from the Apostles who were themselves presbyters, and that through them it passes to its source in Christ" (General Assembly Reports for 1911, Church of Scotland, p. 1170).

Without passing judgment on the correctness of this theory, it is sufficient to remember that it accords, in substance, with the views of the Reformers. The fathers of our system, as it came to be known in later centuries, sought to revive the ancient and scriptural conception of ministerial functions and the original practice in ordination thereto. This principle and the ceremony which expresses it abide to the present day and are still recognized in their strictest form, perhaps, in the Church of Scotland. The Reformers held a theory of "succession" which we accept and which has affected our entire polity and given character to church life.

Based upon this idea is a practice which prevails in all Presbyterian ecclesiastical bodies, the significance of which and the historical connotations of which are sometimes overlooked. We refer to the order by which ministerial status is conferred through "the preaching presbyters" only. The Presbytery as a whole, of which ruling elders are also members, authorizes the ordination, but only those members who themselves have been ordained to the ministry participate in the rite. The reason for this is perfectly clear. It traces back to an original conception of the ministry which has come down across the centuries with unbroken acknowledgment notwithstanding ecclesiastical changes. The upheaval at the time of the Reformation did not alter it fundamentally, and no variations in applications of the theory among the great historical churches of Christendom have ever devitalized the substantive idea itself.

It is necessary that this fact be firmly grasped and that the principle which it teaches be fully understood whenever we attempt to interpret our polity. The principle lies deeply embedded in our system, and its implications appear almost everywhere on the surface. If it has not always been stated in definite terms it is because it was so generally and indisputably acknowledged. There is no other office like the ministry; no status among men provides a parallel; and therefore, there is liable to be danger to our conclusions when we try to draw too close analogies between ordination and induction into official position in the civil sphere.

Ordination by preaching presbyters, "orderly associated," that is, united in the ministerial membership of a Presbytery, has uniformly been regarded as an accomplished fact, as the setting apart of a person to be a man of God with authority to expound His Word, to administer the Holy Sacraments, to perform marriage ceremonies and to bury the dead. It is a solemn creative act which cannot be set aside except by well defined constitutional process. "Once a minister, always a minister" expresses the idea broadly, and involves the thought that the legality and rites and ceremonies performed by a minister constitutionally ordained should not be left open to doubt because of the possibility that the General Assembly may decide, on complaint against the Presbytery, that the ordination should not have taken place. If for any good and sufficient reason he should not be permitted to fill the office of minister he may be unfrocked without casting a cloud upon his official acts, by a trial and conviction on specific charges, against which he has the right to appear and defend himself. About this there is no difference of opinion. The point at which questions arise is when the preaching presbyters proceed to perform the rite. What is a constitutional ordination? How can a proposed ordination be arrested before consummation? And after consummation by the Presbytery is it revocable?

Arresting proceedings in ordination.

If action is contemplated to prevent ordination until a higher judicatory may review the case, the proper procedure is by complaint against the Presbytery, before the act of ordination takes place. Our Constitution appears to make clear that a complaint filed by one-third of the members of a Presbytery acts as a "stay": "Whenever a Complaint is entered in a non-judicial or administrative case against a decision of a judicatory, by at least one-third of the members recorded as present when the decision was made, the execution of the decision shall be stayed until the final issue of the case by the next superior judicatory." (Book of Discipline, Chap. ix, Sec. 86.)

The effect of such a complaint filed by a sufficient number of the members of Presbytery present is to arrest the ordination. If, in the face of this constitutional inhibition, the ministerial members of a Presbytery proceed to perform the ordination, not only would the Presbytery become liable to centure, but the pretended ordination itself, not having been performed according to specific constitutional requirement, would be invalid. In other words, there would have been no ordination at all according to the provisions of our Constitution.

When no stay has been secured.

When, however, complaint has been lodged against a Presbytery, because it has, through its ministerial members, ordained a candidate alleged to be not qualified, and execution of the decision complained of has not been stayed by one-third of the members recorded as present when the decision was made, joining in complaint against the ordination, the complaint may be answered by the superior court, even by the General Assembly, unfavorably to the Presbytery's action, but this would not invalidate the ordination nor affect the official status of the newly endowed minister, nor annul the sacred rites already performed by him. The Presbytery may be disciplined for erroneous action, and there appears to be no limit to the authority of the General Assembly in dealing with a Presbytery that has proved to be contumacious, but the individual whom the Presbytery has ordained constitutionally can not be reached by this process. If there has been no stay, and he has been invested with the office, the issue, so far as he is affected, is between the General Assembly and the Presbytery and is founded upon a complaint against the Presbytery, to which he is not even a party. The one proper method of proceeding against the newly ordained minister would be to prefer charges against him personally and the substantive charges should be based upon facts coming to the knowledge of the Presbytery subsequent to his ordination. For these he might, if convicted, be suspended or deposed, but the disposition of this case would not affect, technically, the complaint against the Presbytery called to account for ordaining him.

Supporting considerations.

There are at least four considerations which strongly support and, in the judgment of the Commission, determine this construction of the Constitution and the practice of our Church under it.

1. The nature of the sacred office and of the functions of Presbytery in relation thereto. These have been discussed already. The conception of the ministry and the means of conferring its status involve principles so deeply based that they could be altered only by the plainest and most specific statements in the Constitution to the contrary. Such statements do not appear.

2. The other provisions in the Constitution for guaranteeing the Church's unity and for guarding its doctrine are so clear and apparently so ample as to create a strong presumption that, had it been the purpose of those who drafted the Constitution or of those who have had a part in amending it to confer upon the General Assembly additional powers in this regard, the grant would have been expressed in specific and unmistakable terms.

3. This reticence of our organic law relative to nullification of an ordination, a rite which has so many sacred scriptural and traditional associations, points to the conclusion that the Presbyteries have not granted to the General Assembly certain powers in relation thereto, but have either reserved those powers to themselves or have been conscious of some original and inherent disabilities respecting them. Among those disabilities are (*a*) incompetency of the whole Presbytery to perform the act of ordination, though it has authorized such performance; (*b*) incompetency of the

Presbytery to revoke an ordination which itself has authorized with due regard to constitutional procedure; and (*c*) incompetency of the "preaching presbyters" who conferred ministerial status by ordination to undo their deed. It would not seem logical to infer that the General Assembly has been clothed with authority to revoke an ordination when the Presbytery itself does not possess this authority, or that the General Assembly can direct a Presbytery to do something by means which the Presbytery is forbidden to employ originally. Particularly does this appear to be a reasonable deduction when it is remembered that the Constitution provides a method of terminating ministerial status and that this method is set forth with precision and in great detail.

4. The most convincing fact of all is that the General Assembly in all its history has never nullified an ordination nor revoked one by the process under consideration. It has never revoked even a licensure. In the two hundred twenty-one years of organized Presbyterianism in this country there has not been, as far as this Commission has been able to learn, a single instance of such an action by the highest court. If the General Assembly possesses such power it has never exercised it. In all the cases brought before our highest tribunal, the Assembly invariably has stopped short of rescinding an ordination or a licensure complained of, or of ordering a Presbytery to do so. This is a fact of first importance to which it is scarcely possible to attach too great significance. Long and unbroken custom observed in administrative practice and confirmed in judicial decisions where adverse interests have been represented by parties whose contentions have been denied, acquires almost the force of written law. It would be a radical departure if we were to change this practice, covering two centuries of time, without some positive mandate from the Presbyteries.

Another and quite different interpretation of this feature of our Constitution has been put forward. It has been strongly and ably contended before the Commission that the view just stated is incorrect and that the General Assembly has, and must have, the power, claimed to be inherent in our system, to reverse any erroneous action whatsoever of any inferior court and to undo by direct methods what the Assembly deems to have been done improperly. In other words, it is asserted that the General Assembly possesses authority to render an ordination null and void by the process of reversing the decision of a Presbytery to ordain, or authority to direct a Presbytery to rescind its own action in such circumstances.

This position is maintained on the ground of self-preservation, that our Church's unity and, indeed, its very life, are dependent upon the existence and exercise of such authority, and that any other course leads to anarchy. A ready answer to this last contention is that in the history of American Presbyterianism a different course has not led to anarchy. A further answer is that the unity of our Church is safeguarded by the strictest and most undeniable constitutional provisions which heretofore have proved entirely sufficient in every emergency.

Undoubtedly the preservation of her faith is a concern of the Church which is paramount and vital. The continuance of her unbroken unity is scarcely less so. And a polity which does not promote both these ends would be, so far as Presbyterianism is concerned, undesirable, if not dangerous. But so far, we have succeeded in holding together and even in healing divisions that have occurred from time to time, without adding to, or subtracting from, the authority of the General Assembly by construction and without discovering in the Constitution grants of power which the fathers did not find there.

Power of General Assembly to decide in questions of doctrine.

The authority of the General Assembly to nullify an ordination is urged upon the further ground that the Constitution states specifically, "To the General Assembly belongs the power of deciding in all controversies respecting doctrine and discipline." (Form of Government, Chap. xii, Sec. v.) It is held that usually an ordination is challenged because of alleged doctrinal error on the part of the candidate, and that this brings the validity of his ordination within the purview of the General Assembly and warrants that body in voiding the act of formal consecration to the ministry if the reasons for so doing appear to the Assembly sufficient.

The power conferred by the words of the Constitution just quoted is not absolute, however. It is a power which can be exercised under certain conditions only, and these conditions are defined and described in other parts of the Constitution; and this particular provision must be interpreted and applied in the light of all other provisions which bear on the same subject, as, for instance, those relating to the functions of Presbyteries and others containing the ordination vows.

Incorrect inferences from analogy.

An analogy between a system of civil government and procedure in its courts, and our ecclesiastical system, cannot properly be relied on to support the right of the Assembly under our Form of Government to annul an act of ordination performed by a Presbytery. The jurisdiction of appellate civil courts is conferred by express provisions of law, and where the right of review and reversal exists, it is not by virtue of decisions of the courts or mere reasons of policy. If it is not expressly conferred by law, it does not exist. It does exist because of elaborate provisions of the laws for review and reversal in the judgment of the courts. The vast jurisdiction of the United States Supreme Court is founded on grants of power made in the Constitution and statutes of the United States, and not on any inherent jurisdiction or any custom or line of decisions made by that court. We must therefore find the power of review and reversal by the General Assembly in our Form of Government, and if it is not there found, no reliance can be placed upon any theory of inherent power or upon any analogy with civil systems to support such rights as claimed. The claim that the General Assembly has the right, on complaint, to annul an ordination as of the time it was made, is weakened by the fact that it does not take into consideration the essential difference between an official under civil law and a minister under ecclesiastical law. It ignores the fact that there is no other office like that of the ministry, and that no status among men provides a parallel. It attaches no significance to the sacred character of the functions performed by him, and overlooks the importance of sustaining the legality and sacredness of his official acts. If the General Assembly had the power claimed for it and should set aside and hold for naught the ordination of a minister from the very beginning, it would cast doubt upon all the rites and ceremonies performed by him and bring humiliation and suffering into the lives of many innocent persons.

However, we are dealing with facts, not theories; with precedents as they have been made, not as they might have been created, and we have behind us a record which points clearly to the wisdom of adhering to practices hallowed by time and found sufficient on all occasions for preserving both the liberty and the unity guaranteed by Presbyterianism.

Brotherly consideration and deliberation.

But there is much more to this matter than a mere question of law. Brotherly consideration and a desire to be fair, not only in our judgments but in our methods of procedure, often accomplish more for the peace of the Church than reliance on legal technicalities. Certainly there is room for the practice of such virtues in the circumstances we are now considering.

The welfare of the Church would seem to confirm the admonition of Scripture that hands be laid on no man suddenly, and that in ordinary cases, a considerable period of time be permitted to elapse between licensure and ordination. Particularly would such a course appear to be desirable, if not indeed urgent, in instances where a formal complaint has been made against a candidate's licensure by a number less than the one-third of the membership of Presbytery present, as referred to in the Constitution. To hasten on to the much more important ceremony of ordination is liable to defeat the lawful purpose of a complaint, because ere the complaint can be heard by the General Assembly the candidate may have been inducted into the office of the ministry by ordination and thus revocation of his licensure be rendered ineffective.

Where ordination of a candidate is contemplated, and examination has been sustained by the Presbytery, and notice of complaint against the sustaining action has been given to the Presbytery, the very nature of the ordination and of the status and powers which it confers pleads for delay in consummating the relationship. It is not necessary that the ceremony of ordination should follow immediately upon examination of the candidate. Would not the peace and order of the Church urge upon Presbyteries caution and restraint and even an extended period of waiting, if necessary, until the issue raised can be decided and the dignified and solemn rite of ordination be proceeded with unclouded by the shadow of pending litigation?—Special Commission of 1925, *Minutes*, 1927, pp. 62–73.

10. Judicial Case—Albert D. Gantz vs. Synod of New York.

The record of *Case No. 1* was read, and the preliminary judgment of the Commission was confirmed as the final judgment of the General Assembly. The report is as follows:

Judicial Case No. 1. Albert D. Gantz, *et al*, complainants, vs. The Synod of New York, respondents. *In re*, Licensure of Henry P. Van Dusen and Cedric A. Lehman.

This is a complaint against the action of the Synod of New York in dismissing the complaint of Albert D. Gantz and others against the action of the Presbytery of New York in licensing one, Henry P. Van Dusen, and one, Cedric A. Lehman to preach the Gospel. The parties agree that during the examination of these applicants each was interrogated as to his belief in the Virgin Birth of our Lord, and each applicant declined to affirm his belief therein, stating he could neither affirm nor deny the Virgin Birth. This is the sole question of doctrine at issue and the respondent says both sides seek a decision upon constitutional lines.

This case presents for decision two serious questions involving the constitution of the Church—the right of the General Assembly to review the action of a Presbytery in licensing candidates for the ministry; and the necessary requirements for licensure.

It is the contention of the respondent that the jurisdiction of a Presbytery in the matter of licensure is exclusive, that its action therein is not subject to review; and respondent moved the complaint be dismissed for want of jurisdiction.

Chap. x, Sec. vii, of our Form of Government says, among other things, "The Presbytery has power—to examine and license candidates for the holy ministry." This power is original in the Presbytery. This, however, does not imply power not subject to review, otherwise each Presbytery would be a law unto itself. The Church is not a mere confederation of Presbyteries—it is a united Church, with a well defined polity, that order and system and unity prevail rather than confusion and disunion. Chap. xii, Sec. i, of the Form of Government provides that the General Assembly "shall represent in one body, all the particular churches of this denomination." In 1874, the General Assembly, in answer to an overture, declared "the General Assembly has no power over the functions of the Presbytery in granting and continuing licenses, save that of review and control."—See *Digest*, 1922, Vol. I, p. 154.

In 1910 complaints were lodged against the Synod of New York in sustaining the action of a Presbytery in licensing and ordaining certain candidates. The General Assembly took jurisdiction of the complaints and heard and determined the issues therein.—See *Digest*, 1922, Vol. I, pp. 155, 156.

Chap. xii, Sec. iii, of the Form of Government, says, among other things, "The General Assembly shall receive and issue all—complaints—that affect the—Constitution of the Church, and are regularly brought before it from the inferior judicatories." Sec. v of the same chapter gives to the General Assembly "the power of deciding in all controversies respecting doctrine." In 1912 the General Assembly, in answer to an overture, said: "The Constitution fixes the authority and responsibility for the licensing and ordaining to the ministry of the Presbyterian Church in the Presbytery" and says, further, "that any violation of the Constitution by the Presbytery in so doing should be remedied; but the remedy to be effective on the part of the Assembly must be on protest, complaint, or appeal, etc." —See *Digest*, 1922, Vol. I, p. 278.

Even where matters are left to the "satisfaction" or "discretion" of Presbytery this "satisfaction" or "discretion" is not an arbitrary one and must be exercised in a constitutional manner; otherwise it is subject to the review and control of the General Assembly.—See *Digest*, 1922, Vol. I, p. 564.

As far back as 1835 the General Assembly defined the extent of such terms as "satisfaction," "satisfactory" and "discretion" in the question of the admission of ministers, and showed that while it is the Presbytery that is to be "satisfied," yet the General Assembly said "it being always understood that each Presbytery is in this concern, as in all others, responsible for its acts to the higher judicatories."—See *Digest*, 1922, Vol. I, p. 174.

Hence this "satisfaction" and this "discretion" are not arbitrary; but must be exercised constitutionally, and are subject to review. This power of the General Assembly to review and control cannot be said to infringe the constitutional power of Presbytery in licensing candidates for the ministry. It is conferred by the Constitution itself. The constitutional power of both judicatories must be considered in determining the constitutional power of either. That the General Assembly has the right to review this matter complained of has been practically determined before. This case was brought before the General Assembly at Grand Rapids, Michigan, in 1924, upon direct complaint against the action of Presbytery; but the General Assembly, while taking jurisdiction of the case, deemed it advisable that the usual constitutional procedure be followed in having the matter presented to Synod first; not deeming such emergency existed as to justify ignoring the power and position of the Synod. Accordingly, the complaint was presented to the Synod, and against the judgment rendered by the Synod this complaint is filed. It is the judgment of your Judicial Commission that the General Assembly has supervisory power to review and control the action of the Presbyteries in issuing and continuing licenses to preach, and therefore the complaint against the action of Synod for dismissing the complaint against the Presbytery can be heard and determined by the General Assembly. The motion to dismiss is overruled.

Having determined the constitutional power of the General Assembly in such matters, we come to the next question presented. In this case it is conceded the applicants for licensure were amply qualified in education, training, and character. However, in their examination as to the doctrines of the Church and their fidelity thereto, they were questioned as to their belief in the Virgin Birth; and each stated he was unable to affirm or deny the truth of this doctrine. It is claimed that as the applicant did not *deny* the truth of this doctrine the Presbytery was justified in licensing him.

Constitutional Rule No. 3 requires Presbytery to examine candidates under its care concerning their fidelity to the doctrines of the Church; and Chap. xiv, Sec. iv, of the Form of Government, requires the Presbytery to continue the educational exercises "until they shall have obtained satisfaction as to the candidates' aptness to teach in the church."

It must be remembered this is an application for leave to preach the Gospel. The license is a guarantee on the part of Presbytery that the candidate is qualified to preach the doctrines of Holy Scripture and that he is not uncertain as to the Truth. The Presbytery must be satisfied that the applicant is clear and positive in his belief as to the doctrines of the Church, and unless he is thus clear and positive it is the duty of Presbytery to defer licensure until he becomes thus clear and positive.—See *Digest*, 1922, Vol. I, p. 280.

It is not a question as to the character of the applicant, his education, amiable qualities, or even his piety. It is a question as to the positiveness of his belief. Bearing this in mind, was it necessary the candidates affirm their belief in the Virgin Birth?

When the constitutional questions were propounded to the applicants, after the examinations were completed, each candidate answered all of them in the affirmative and without qualification, despite the uncertainty of mind expressed. These constitutional questions, however, must be interpreted in the light of the Constitution of the Church. Without this they mean nothing; and the affirmation of these constitutional questions is qualified by the views expressed or statements made by the candidate in setting forth his belief.

The candidate was not required to state his views as to the mystery therein contained. He was not required to attempt to explain it. He was asked whether he *believed* in the Virgin Birth—his attention being called to the narratives as contained in the Gospels of Matthew and of Luke, and he declined to affirm, stating he could neither affirm nor deny. He was in doubt as to the truth of these portions of the Holy Scriptures. Hence, he was unable to affirm his belief in positive, definite statements in the Gospels regarding the Virgin Birth. Constitutional question No. 1, regarding belief in the Scriptures of the Old and New Testament, means the Scriptures as defined and described in Chapter 1 of the Confession of Faith. Constitutional question No. 2, requiring the candidate to receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the Holy Scriptures means the Confession of Faith including Chapter viii thereof dealing with the Incarnation. Thus, while he answered these constitutional questions in the affirmative, his affirmation is qualified by his doubt hereinbefore set forth. He gave his assent knowing he could not affirm his belief in the Virgin Birth and the narrative thereof as contained in the Gospels and as declared and defined in the Confession of Faith, and knowing the Presbytery knew he could not so affirm.

The General Assembly, under the Constitution of the Church, has the power, and it is its duty to review the action of lower judicatories. In the discharge of this duty, in a case regularly brought before it, the General Assembly is exercising its power as a Court, and as the highest judicatory in the Church; and its decisions regarding doctrinal matters in such a case is therefore binding until modified or reviewed, or until the Constitution is amended. In 1910, the General Assembly, in an action on a complaint against the Synod of New York in sustaining the action of a Presbytery in licensing candidates who, while not denying the Virgin Birth of our Lord, failed "to affirm it with the same positiveness as for some other doctrines" said that "no one who is in serious doubt concerning this doctrine should be licensed or ordained as a minister."—See *Digest*, 1922, Vol. I, p. 155.

The General Assembly has repeatedly passed upon the importance of clear and positive views regarding this doctrine. It is the established law of the Church. The Church has not seen fit to alter it and your judicial commission sees no reason for amending the Constitution by judicial interpretation.

The applicants, being each uncertain as to his belief and being unable to affirm his belief in the Virgin Birth of our Lord as set forth in the Gospels and declared in the Confession of Faith, the Presbytery erred in not deferring the licensing until the candidates were clear and positive, no matter how amiable, educated, or talented the candidates may have been.

The action of the Synod in failing to sustain the complaint against the Presbytery is reversed and the complaint against the Presbytery is sustained.

This matter is remanded to the Presbytery for appropriate action, in conformity with the decision herein rendered.

Judge M. Linn Bruce, being of the Synod of New York, took no part in this decision.

Statements were made by the Rev. Henry S. Coffin, D.D., in behalf of the Commissioners from the Presbytery of New York, and by the Rev. J. V. Moldenhawer, D.D., in behalf of the Synod of New York.

The Assembly rose as a court and proceeded to its regular business.—1925. pp. 83–88.

11. A Protest against above decision.

The Assembly received the following protest against the Assembly's action on *Judicial Case No. 1:*

The undersigned commissioners to the 137th General Assembly of the Presbyterian Church in the United States of America, do hereby respectfully protest, as provided in Chapter x, of the Book of Discipline, against the decision of the General Assembly upon the complaint of Albert D. Gantz against the Synod of New York, deeming the said decision to be erroneous for the following reasons, and having voted in opposition thereto:

1. It violates Chapter xxxi, Section iii, of the Confession of Faith which provides: "All Synods and councils since the Apostles' time may err, and many have erred, therefore *they are not to be made the rule of faith or practice* but may be used as a help in both."

2. It violates the historic policy of our church established in 1729 and faithfully adhered to for 196 years, until now, that each Presbytery shall judge for itself as to the satisfactory examination of candidates, which policy has made possible that liberty of belief which makes the Presbyterian Church an inclusive church, instead of a narrow sect.

3. It requires absolute conformity to the doctrinal belief of a General Assembly in violation of Chapter xx, Section ii, of the Confession of Faith, which states: "The requiring of an implicit faith and an absolute and blind obedience is to destroy liberty of conscience and reason also."

4. By requiring such absolute conformity it restores those Roman Catholic theories of ecclesiastical authority, which it was the very purpose of Presbyterian Protestantism to overthrow.

5. It does, in effect, add to our constitutional ordination vow a further requirement which cannot lawfully be done without vote of the Presbyteries.

6. It violates the spirit of the Act of Reunion of Old School and New School in 1870.

7. It violates the basis of reunion with the Cumberland Presbyterian Church, viz., the Declaratory Statement of 1903, which was constitutionally adopted by vote of the Presbyteries.

8. The examination of the candidate Van Deusen, and particularly his written paper, showed his whole-hearted belief in the Deity of our Lord. In his paper he stated, among other things:

"I acknowledge Jesus Christ as my Lord, my Master and my Savior, and I affirm absolutely and unqualifiedly my belief in His Divinity **** I acknowledge that He was fully divine. And in a day of theological controversy I affirm that now, as through all Christian history, it is Christ's Divinity which is chiefly important, and any effort to describe the difference between Him and ordinary humanity as 'merely one of degree' must be utterly inadequate."

We respectfully submit that these views are not heretical nor uncertain, and that the candidate would have been admitted (and rightly admitted) in almost any Presbytery in our Church.—1925, p. 207.

[NOTE.—For the names of the thirty-one persons signing this protest, see Min. 1925, p. 209.]

III. TO ORDAIN MINISTERS.

1. Ordination by a Commission of Presbytery.

[NOTE.—For cases of ordination by a Commission, see *Digest* of 1886, pp. 145, 146. *a*, *b*, *c*, *d*.]

2. Ordination by a Commission unconstitutional.

a. *Overture* from the Presbytery of Jersey City, asking the Assembly to declare whether a Presbytery has the right to perform the act of ordination by a Commission (the examination of the candidate and the vote to ordain him having been previously passed in Presbytery). Your Committee recommend the following answer: Ordination either by a Committee or by a Commission of Presbytery is contrary to the express provisions of Chap. xv, Sec. xii, of the Form of Government.—1894, p. 76.

3. Ordination on the Sabbath day inexpedient, but left to discretion of the Presbytery.

An *Overture* was received from the Presbytery of Orange, requesting the opinion of the General Assembly on the question whether it be proper to ordain licentiates to the office of the Gospel ministry on the Sabbath day. The General Assembly think it would not be for edification to adopt a uniform rule on the subject. In general they think it is not expedient that ordinations should take place on the Sabbath, yet that there may be cases in which urgent or peculiar circumstances may demand them. The Assembly therefore judged it best to leave it to the Presbyteries to act in this concern as they may judge that their duty requires.—1821, p. 10.

4. Ordination by foreign bodies not approved.

The Assembly took up the Report of the Committee on *Overture No. 3*, which was laid on the table; which being read and amended, was adopted, and is as follows, viz.:

Whereas, Many of the ministers who are to supply the vacant churches and destitute places in the more new and growing parts of our Church must, for some time to come, continue to be educated in the older sections of our country, and at a great distance from the field where they are to be employed; and whereas, it is important to the happy and useful settlement of these ministers, in their several fields of labor, that they should enjoy the full confidence of the ministers and churches among whom they are to dwell; and whereas, the ordination of ministers in the presence of the people among whom they are to labor, is calculated to endear them very much to their flocks, while it gives their fathers and brethren in the ministry an opportunity of knowing their opinions and sentiments on subjects of doctrine and discipline; and whereas, our Form of Government seems to recognize the right and privilege of each Presbytery to examine and ordain those who come to the pastoral office within their bounds, and who have never before exercised that office; therefore,

Resolved, 1. That it be earnestly recommended to all our Presbyteries, not to ordain, *sine titulo*, any men, who propose to pursue the work of their ministry in any section of the country where a Presbytery is already organized to which they may go as licentiates and receive ordination. 2. That the several bodies with which we are in friendly correspondence in the New England States, be respectfully requested to use their counsel and influence to prevent the ordination, by any of the councils or consociations, of men who propose to pursue the work of the ministry within the bounds of any Presbytery belonging to the General Assembly of the Presbyterian Church; and that the delegates from this Assembly to those bodies respectively be charged with communicating this resolution.—1834, p. 428.

5. Presbytery may not delegate power of licensure and ordination to a Commission.

Overture No. 317, from the Synod of Pennsylvania, as to the powers of an Executive Commission, as follows: *Whereas*, Form of Government, Chap. x, Sec. vii, provides for the appointment of an Executive Commission, and seems to empower the Presbytery to determine the number of members, powers and duties of the said Commission; and, whereas, this would seem to allow the delegation to a Commission of the right and power of Presbytery to examine and ordain ministers: The Synod of Pennsylvania hereby overtures the General Assembly for a deliverance on this important matter.

We recommend that the following answer be given to this Overture: Presbytery cannot delegate the licensure and ordination of candidates for the ministry to a Commission; and Chap. x, Sec. vii, of the Form of Government is not to be constructed as authorizing the exercise of these powers by an Executive Commission.—1911, p. 220.

6. Lay ordination invalid.

a. The Committee to whom was referred *Overture No. 15*, viz., on ordination by a deposed minister or by laymen, made the following Report, which was adopted, viz.:

That this Paper contains a letter from a minister in South Carolina to the Stated Clerk, requesting him to obtain a decision of the General Assembly on the question, "whether the ordination of a minister of the Gospel by interposition of the hands of the laity is valid." That the answer to this question should be in the negative is so obvious and evident on all correct principles of ecclesiastical order, that your Committee are of the opinion that it is unnecessary for the General Assembly to give any further consideration to the subject.—1832, p. 366.

b. The Committee on *Overture No. 3*, viz., a question from the Presbytery of Bethel respecting holding communion with the followers of William C. Davis, a deposed minister, and calling themselves Independent Presbyterians, reported that in their judgment the questions proposed in said Overture ought to be answered in the negative. They therefore would recommend the adoption of the following resolution, viz.:

Resolved, That while this Assembly readily acknowledges the right of the Session to determine according to the Scriptures and the Constitution of our Church the qualifications for admission to sealing ordinances, yet they feel it to be their duty to declare that in their judgment the services of those who have received only lay ordination and of those who have been deposed from the Gospel ministry are unscriptural and unwarrantable, and therefore an attendance on their ministrations cannot be in the order of the Gospel, and ought to be discouraged and discountenanced by every friend of the Redeemer's kingdom.—1833, p. 407.

7. Ordination procured by fraud valid, but the Presbytery should depose.

Is the ordination of a minister valid which has been procured by forgery and unwarrantable means?

Confining the answer of the Assembly to this case as verbally explained, this question is answered in the affirmative, but that the Presbytery should in such case proceed immediately to depose him.—1843, p. 198, O. S.

8. Presbyteries only are competent to ordain ministers.

Overture from the Synod of Western New York, asking if an evangelist, laboring in a foreign field, where Gospel institutions have not been established, is authorized to establish them by organizing churches and ordaining ministers, until there shall be a sufficient number of ministers to form a Presbytery. Your Committee recommend the adoption of the following answer: It is the judgment of the Assembly, without expressing any opinion as to whether there should be a Constitutional provision to meet extraordinary cases in the foreign field, that, under the existing law of the Church, Presbyteries only are competent to ordain ministers; and the Assembly also judges that churches organized in foreign missionary fields, where no Presbytery exists, may, with the consent of the Synod, be enrolled by the Presbytery to which the missionary on the field belongs.—1882, pp. 96, 97.

[Note.—See also above, p. 171, Sec. 2, *b*; and below, p. 442.]

9. How record those ordained from membership of a church to the ministry?

The second part of this Overture inquires, "What record shall be made in reporting members ordained from the membership of a church to the Gospel ministry?" It is recommended that reply be made to the effect that record of ordination should be made in the Minutes of the Session of the church to which the person ordained belongs, and then the name of the person ordained should be removed from the roll of church members.—1913, p. 163.

10. If one who has been deposed, or who has demitted the ministry, is restored, he must be reordained.

Overture from the Presbytery of Schuyler, as follows:

Is reordination necessary in the restoration of a deposed minister to the sacred office? And in view of the provisions of the revised Book of Discipline, will reordination be necessary in the restoration to the ministry of those by whom the office has been demitted?

The Committee recommend the following answer:

It is the judgment of this General Assembly that when a minister is deposed his office is taken from him, he becomes a layman, and, according to the new Book of Discipline, Sec. 45, he is to be enrolled as a communicant in a particular church. Should he be recalled to the ministry, therefore, he should be reordained.

The same course ought to be adopted in the restoration of one who has demitted the ministry; inasmuch as the Book of Discipline, Sec. 52, describes one who has demitted the sacred office as returning "to the condition of a private member of the Church."—1884, p. 115.

[Note.—See this *Digest*, Book of Discipline, Chap. vi, Sec. 45, and Chap. vii, Sec. 52.]

11. Rule in respect to receiving a minister from another denomination.

a. The consideration of the Report of the Committee to which had been referred the question of validity of ordination in the case of a Baptist elder was resumed, and the Report being read was adopted, and is as follows, viz.:

It is not among the principles or usages of the Presbyterian Church to consider the ordination of ministers by other Protestant churches as invalid; on the contrary, the Presbyterian Church has always considered the ordinations of most other Protestant churches as valid in themselves, and not to be repeated when those who have received them become members of the Presbyterian Church. Nor is it perceived that there is any sufficient reason why the ordinations in the Baptist Church should not be considered as valid, and be sustained as such.

But while the Presbyterian Church can act as has now been stated in regard to ordinations, it is among those principles and usages which she regards as most sacred and important, to secure for her churches both a pious and learned ministry, and she cannot admit of any usage or exercise any apparent liberality inconsistent with security in this essential particular. On the whole, therefore, the Committee recommend the following resolution:

Resolved, That when applications are made by ministers of the Baptist or any other Protestant denomination to be connected with the Presbyterian Church, the Presbytery to which the applications are made shall require all the qualifications both in regard to piety and learning which are required of candidates for licensure or ordination of those who have originally belonged to the Presbyterian Church; and shall require the applicants from other denominations to continue their study and preparation till they are found on trial and examination to be qualified in learning and ability to teach in the manner required by our Standards; but that when found to be thus qualified, it shall not be necessary to reordain the said applicants, but only to install them when they are called to settle in Presbyterian congregations.—1821, p. 23.

b. When application is made by a minister of another Church for admission to Presbytery, Presbytery shall inquire concerning his character, his educational and professional training, the fact of his ordination, his ministerial standing in the body to which he belongs, and the motives which lead him to apply for admission to Presbytery. If this inquiry shall prove satisfactory, Presbytery may place his name on its roll. All applicants from other bodies shall be required, previous to their enrollment, to give their assent, in a public session of Presbytery, to the first seven questions prescribed in the Form of Government for ordination; but should the applicant not possess the same educational qualifications for ordination as those prescribed in our Standards, he shall not be enrolled as a member of Presbytery until at least six months after his application shall have been presented to Presbytery. He may be permitted to labor, in the interval, within the bounds of Presbytery.—1891, p. 177.

c. *Overture.*—A request of the Rev. J. G. Monfort that the Assembly answer the following question: "Is it the duty of Presbyteries, when elders or deacons from the Methodist Episcopal Church apply to become ministers in our Church, to recognize their ordination as sufficient, or to ordain them as in the case of other candidates?"

The Committee recommended that the Overture be answered by a reference to the action on the subject, of the General Assembly of 1821.—1852, p. 210, O. S.

12. The reasons for receiving an ordained minister from another denomination to be recorded.

The Committee of Overtures brought in the following resolution, which, having been read and amended, was adopted, and is as follows, viz.:

Resolved, That in the opinion of this Assembly the decisions of the General Assembly in 1792, and referred to by the Assembly of 1800, respecting the reordination of ministers regularly ordained in the Methodist Episcopal Church, and desiring to connect themselves with the Presbyterian Church in the United States of America, however expedient at the time of its formation, ought not to be considered as a precedent to guide the future decisions of the judicatories of this Church; and that the Presbyteries under the care of this Assembly, when they receive into their connection an ordained minister from any other denomination, be careful to record the circumstances of the case and the reasons which induced them to receive such ordained minister.—1810, p. 441.

13. Reordination of Roman Catholic clergy left to judgment of Presbytery.

Overture No. 67, from the Presbytery of West Jersey, requesting the Assembly to answer the following question: "Is it required by the law or usage of the Presbyterian Church that persons that have been admitted to full orders in the Roman Catholic Church should be reordained upon entering the ministry of the Presbyterian Church?" We recommend the following answer: That the decision of this question be left to the judgment of each Presbytery, guided by the principles governing the subject of the ordination of ministers and of the reception of ministers from other denominations, as laid down in the standards of our Church.—1910, p. 107.

14. Leave to ordain refused where there is no Presbytery.

Overture, a Memorial from the Presbytery of New York, referring to this Assembly the following case: Application was made to the Presbytery of New York in April to receive by letter from the Presbytery of Cincinnati, the Rev. John Beveridge, now a resident of northern Mexico, and to authorize the Rev. Andrew J. Park, now a member of the Presbytery of New York, and residing in northern Mexico, and the Rev. John Beveridge, when received by the Presbytery, to ordain to the work of the ministry, if the way be clear on examination, Mr. Brigide Sepulveda, a converted Roman Catholic priest.

The Committee recommended the following answer:

Resolved, That inasmuch as there is no Presbytery, and not a sufficient number of ministers of whom to form a Presbytery, in northern Mexico, such request be not granted. In consideration, however, of the urgency and peculiarity of the case, the Board of Foreign Missions are hereby instructed to defray the expenses of Mr. Sepulveda's journey to and from New York for his ordination by the Presbytery of New York, if the way be clear.—1871, p. 592.

15. Ordination of ministers in foreign mission fields.

[Note.—See p. 442.]

16. Reception of foreign ministers. The rule.

[Note.—The original rule on this subject may be found in the *Minutes* for 1735, p. 118. Action was also taken in 1773, p. 448, and 1774, p. 455. In 1784 the matter forced itself anew upon the Synod, and particular care was enjoined upon all its members, 1784, p. 504. See also Baird's *Collection*, revised edition, pp. 254, 257. In 1798, p. 148, the Assembly adopted "regulations intended to embrace and extend the existing rules." In 1800 these regulations were modified and amended, and constitute the present rule, viz.:]

I. When any minister or licentiate from Europe shall come into this country, and desire to become connected with the Presbyterian Church in the United States, he may apply to any Committee appointed to direct the services of traveling ministers and candidates; which Committee shall inspect his credentials, and, by examination or otherwise, endeavor to ascertain his soundness in the faith and experimental acquaintance with religion; his attainments in divinity and literature; his moral and religious character, and approbation of our public standards of doctrine and discipline. If the result shall be such as to encourage further trial, said Committee may give him appointments to supply and recommend him to the churches till the next meeting of the Presbytery to which such Committee belongs. It shall then become the duty of such minister or licentiate to apply to that Presbytery, or to any other in whose bounds he may incline to labor; provided always that he make his application to the Presbytery at their first meeting after coming within their bounds; and also that, immediately on coming within the bounds of any Presbytery, he apply to their Committee to judge of his certificate of approbation, and, if they think it expedient, to make him appointments; or, if it shall be more convenient, the application may be made to the Presbytery in the first instance; but it shall be deemed irregular for any foreign minister or licentiate to preach in any vacant church till he have obtained the approbation of some Presbytery or Committee of Presbytery, in manner aforesaid.

The Presbytery to which such minister or licentiate may apply, shall carefully examine his credentials, and not sustain a mere certificate of good standing, unless corroborated by such private letters, or other collateral testimony, as shall fully satisfy them as to the authenticity and sufficiency of his testimonials. After inspecting any evidences of his literary acquirements which may be laid before them, the Presbytery shall enter into a free conversation with him, in order to discover his soundness in the faith and experimental acquaintance with religion. If they shall obtain satisfaction on these several articles, they shall proceed to examine him on the learned languages, the arts, sciences, theology, church history and government; nor shall they receive him, unless he shall appear to have made such attainments in these several branches as are required of those who receive their education or pass their trials among ourselves. But if, upon the whole, he appears to be a person worthy of encouragement, and who promises usefulness in the Church, they shall receive him as a minister or candidate on probation, he first adopting our Standards of doctrine and discipline, and promising subjection to the Presbytery in the Lord. During this state of probation he may preach the Gospel where regularly called, either as a stated or occasional supply; and if an ordained minister, perform every part of the ministerial functions, except that he may not vote in any judicatory or accept a call for settlement.

If the foreigner who shall apply to any Presbytery or Committee, as aforesaid, be an ordained minister, such Committee and Presbytery may, at their discretion, dispense with the special examination on literature in this act prescribed, provided he shall exhibit satisfactory evidence that he has received such education, and made such progress in languages, arts, and sciences, as are required by the Constitution of our Church as qualifications for the Gospel ministry. But in all other respects, the examination shall be the same as in the case of a licentiate.

If from prospects of settlement, or greater usefulness, a minister or licentiate under probation in any Presbytery, shall wish to move into the bounds of another, he shall receive a dismission, containing a certificate of his standing and character, from the Presbytery under whose care he shall have been; which certificate shall entitle him to the same standing in the Presbytery into whose bounds he shall come, except that from the time of his coming under the care of this latter Presbytery, a whole year shall elapse before they come to a final judgment respecting his reception.

When any foreign minister or licentiate, received on certificate, or pursuant to trials in any Presbytery, shall have resided generally and preached within their bounds and under their direction, for at least one year, they shall cause him to preach before them (if they judge it expedient), and taking into consideration, as well the evidence derived from their former trials as that which may arise from his acceptance in the churches, his prudence, gravity, and godly conversation, and from the combined evidence of the whole, determine either to receive him, to reject him, or to hold him under further probation. In case of receiving him at that, or any subsequent period, the Presbytery shall report the same to their Synod at its next meeting, together with all the certificates and other testimony on which they received him; or, if it shall be more convenient, this Report may be made to the General Assembly. The said Assembly or Synod, as the case may be, shall then inquire into the proceedings of the Presbytery in the affair, and if they find them to have been irregular or deficient, they shall recommit them to the Presbytery, in order to a more regular and perfect process. But if the proceedings had in the Presbytery appear to have been conformable to this regulation, they shall carefully examine all the papers laid before them by the Presbytery, or which shall be exhibited by the party concerned, and, considering their credibility and sufficiency, come to a final judgment, either to receive him into the Presbytery body, agreeably to his standing, or to reject him.

In order, however, to facilitate the settlement of foreign ministers as soon as many consist with the purity and order of the Church, it is further ordained, that if the proper Synod or the General Assembly are not to meet within three months after that meeting of a Presbytery at which a foreign minister on probation is expected to be received, the Presbytery may, if they see cause, lay his testimonials before the meeting of the Assembly or Synod which shall be held next before said meeting of the Presbytery. If this Assembly or Synod shall approve the testimonials, they shall give the Presbytery such information and direction as the case may require, and remit the same to them for final issue. In all other cases, it shall be deemed irregular for any Synod or General Assembly to receive a foreign minister or licentiate, until he shall have passed his period of probation, and been received and reported by some Presbytery, in manner aforesaid.

No minister or licentiate, after being rejected by one Presbytery, shall be received by another, or if received through mistake or otherwise he shall be no longer countenanced or employed, after the imposition is discovered. If, however, any minister or licentiate shall think himself aggrieved by the sentence of any Presbytery, he shall have a right to carry the matter by complaint to the proper Synod or to the next General Assembly, giving notice thereof to the Presbytery during the meeting at which the sentence was pronounced, or at the meeting next following.

These regulations and provisions relative to the reception of foreign ministers and licentiates are to be considered as coming in place of all that have heretofore been established on this subject; and all judicatories and individuals under the care if the Assembly are to regard them accordingly.—1800, pp. 200–202.

17. The rule enforced.

a. The Committee appointed to examine the Records of the Synod of Albany recommended that they be approved, "excepting the case of receiving a foreign licentiate, by the Presbytery of St. Lawrence, without laying their proceedings in the case before the Synod or General Assembly."—1822, p. 38.

b. Papers touching the reception of the Rev. William Windle, a foreign minister, to the Presbytery of Philadelphia.

These were remitted to that Presbytery, inasmuch as no Record of its proceedings in the case had been placed in the hands of the Committee, by which they might ascertain how far the Presbytery has complied with the order of the Assembly, in such cases made and provided.—1852, p. 221, O. S.

c. *Overture* was taken up, viz.: An application from the Presbytery of Watertown, for leave to receive Mr. William Lockhead, a foreign licentiate, who, after being under the care of the Presbytery of Champlain for five months, had been dismissed to the Presbytery of Watertown, and had been under the care of the latter Presbytery since the 9th of February last. The Presbytery of Watertown requests that the Assembly will allow them to take into the account, for the term of trial, the time which Mr. Lockhead spent on trials in the Presbytery of Champlain. On this request the Assembly resolved, that the standing rule which requires that the foreign licentiate must spend a year in the Presbytery to which he is dismissed, be not dispensed with.—1830, p. 299.

[Note.—See a similar case, 1858, p. 273, O. S.]

18. Rule applies to minister seeking to be restored.

A reference from the Presbytery of St. Clairsville, of the case of the Rev. Samuel Boyd, who having retired in good standing from the Presbyterian ministry in Ireland in 1842, on account of a change in his views of infant baptism, now seeks a restoration to the exercise of the ministry among us, inasmuch as he adopts again, with full conviction, the whole Confession of our faith.

The Committee recommended that the Presbytery of St. Clairsville be instructed to proceed according to the rule relating to foreign ministers, the probation of one year commencing at the time of their next stated meeting.—1849, p. 239, O. S.

19. Privilege lost by a return to Europe.

An application from the Presbytery of Philadelphia for advice and direction in the case of Rev. James T. Irvine. Mr. Irvine, after having been regularly received, returned to Ireland, and was installed there. Afterwards returning to America, the Presbytery asked, "Does Mr. Irvine come under the denomination of a foreign minister?" subject to the rule as to probation.

The Assembly replied that he did.—1848, p. 22, O.S.

20. Rule repealed as to ministers from the Presbyterian Churches of Great Britain.

Overture on receiving ministers from foreign countries. The Committee recommend the adoption of the following:

Inasmuch as intercourse between the Presbyterian Churches of Great Britain and our General Assembly is now much more frequent and intimate than in former years, affording the opportunity for mutual acquaintance, and knowledge of the character and standing of the ministers in the different Churches of both countries; therefore,

Resolved, That the regulation requiring ministers coming among us from the Presbyterian Churches of Great Britain, to submit to a year's probation before maintaining ministerial standing, is no longer necessary, and is hereby repealed.—1872, p. 70.

21. The rule repealed as to the Presbyterian Churches of Canada.

Overture from the Presbytery of Dayton, asking, "That, inasmuch as the intercourse between the Presbyterian Church of Canada and our General Assembly is now very direct and intimate, affording us facilities for knowing the character and standing of that Church, such action be taken by this Assembly as will dispense with the year's probation now required of ministers coming to us from that border province."

Your Committee recommend the following answer: Inasmuch as the rule requiring such probation has been repealed as to ministers from the Presbyterian Churches of Great Britain (see Moore's *Digest*, 1886, p. 159), that said rule be repealed so far as it relates to ministers coming from the Presbyterian Churches of Canada.—1883, p. 625.

[NOTE.—The rule is enforced as to all other foreign Churches. See *Digest* of 1886, p. 493; *Minutes* of 1875, p. 506; 1876, p. 80; 1883, p. 626; 1888, p. 111; 1894, p. 88; 1895, p. 75; 1896, p. 146.]

22. The rule waived in the case of ministers from Presbyteries in correspondence with the Assembly.

[NOTE.—See *Digest*, 1886, p. 159; *Minutes*, 1869, p. 281, N. S.]

IV. TO INSTALL MINISTERS.

1. The cognizance of settling pastors belongs to Presbytery.

That it belongs to the Presbyteries to take cognizance of the proceedings of Sessions and congregations in the important concern of settling pastors, and to adopt the most effectual measures on the one hand to prevent all undue delay by the Session, or the people, and on the other, to prevent all precipitancy in the settlement of any minister, or the adoption of any system of proceedings in the congregation inconsistent with the real and permanent edification of the people.—1814, p. 560.

2. The Presbytery may refuse to install even where parties are agreed.

When a congregation and minister agree on the amount of salary to be paid and received, and both parties being fully satisfied, request the pastoral relation to be constituted according to the order of the Presbyterian Church, has Presbytery the right to refuse to install, because, in their judgment, the salary is insufficient?

Answered in the affirmative.—1855, p. 272, O. S.; 1875, p. 510, confirms.

[NOTE.—See below, under Form of Government, Chap. xv.]

3. The Presbytery may refuse to install at its discretion.

[Where an Appeal was brought against a refusal to put a call into the hands of the appellant, it was held:]

That as the General Assembly has repeatedly decided that the Presbyteries have discretionary power in such cases (*Digest*, 1886, p. 694),which decisions are clearly in accordance with the Form of Government (Chap. xv, Sec. ix), the Appeal should be dismissed.—1875, p. 510.

[NOTE.—See below, Chap. xv, Sec. ix.]

V. TO REMOVE MINISTERS.

1. The Presbytery has power to dissolve a pastoral relation at its own discretion.

a. *Overture No. 22*, from the Synod of Illinois, asking the following question, viz.:

Has a Presbytery the Constitutional power to dissolve the pastoral relation against the remonstrance of the pastor and a majority of the church, when a large and influential minority of the church request it, by petition, and in the judgment of Presbytery the interests of religion in that congregation require it?

Your Committee beg leave to recommend the following answer, viz.:

The General Assembly think that the Presbytery has the Constitutional power to dissolve the pastoral relations, according to Chap. x, Sec. viii, and Chap. xvii of our Book; but that great regard ought to be had to expediency in all such cases.—1860, p. 39, O. S. (See p. 191, 193.)

b. To the same question the next year the Assembly answers by referring to the above, with the caution, "That such power should in all cases be exercised with the greatest caution and discretion, and the reasons for such action should be always fully recorded."—1861, p. 306, O. S.

2. A Synod, on appeal, directs the dissolution of the pastoral relation, and is sustained.

Your Commission had this case several days before them, and bestowed upon it careful consideration; and have unanimously determined to report to the Assembly that the sense of this Commission is, that the interests of the church of Hopewell require the dissolution of the pastoral relation, and that they agree with the decision of Synod, and they recommend the following Minute:

This Assembly recognizes the right of each congregation to decide whether a pastor is acceptable to them, and the wishes of a majority are to be set aside only for weighty reasons; yet such a state of things may exist between the pastor and a portion of his people, as shall require for the fair name of religion, that the relation be dissolved. And for this reason the Appeal and Complaint of Joseph Connell against the Synod of Pittsburgh is not sustained.—1868, p. 649, O. S.

[NOTE.—See the case in full below, Chap. xvii, p. 448, 5.]

3. A pastor may not be dismissed to a body other than that to which his church belongs.

The Committee report *Overture No. 2:* "Is a member of Presbytery desirous of withdrawing connection with our Church to a *foreign body of a distance*, entitled to a letter of dismission and recommendation on *demand*, while occupying the position of pastor of one of our churches?"

The Committee report that he is not thus entitled.—1861, p. 471, N. S.

4. To dismiss by a committee is unconstitutional.

a. The Report of the Committee on the reference from the Presbytery of Cayuga relative to the Constitutionality of a rule of that body which had been laid on the table, was taken up. The rule of the Presbytery of Cayuga referred to the Assembly is as follows, viz.: The moderator for the time being and the Stated Clerk, *ex-officio*, were appointed a Committee to grant letters of dismission to ministers without charge, and to licentiates and candidates under the care of this Presbytery, to unite with other Presbyteries, and were directed to report at each stated meeting.

In relation to this rule the following resolution, reported by the Committee, was adopted, viz.:

Resolved, That the rule hitherto acted upon by the Presbytery of Cayuga is inexpedient and unconstitutional.—1830, p. 302.

b. Also *Overture No. 16,* from the Presbyteries of Steubenville and Washington, asking whether it is competent and Constitutional for a Presbytery to appoint a Committee to dismiss unsettled ministers, licentiates and candidates without a call for the body to assemble. This question has already been decided by the General Assembly in the negative. (See *Minutes* of the General Assembly for 1830, p. 302)—1865, p. 569, O. S.

5. Presbytery may not authorize its clerk to grant letters of dismission during the intervals of its sessions.

The same Committee further reported as follows: May a Presbytery authorize its Stated Clerk during the intervals of its sessions to grant, at their own request, letters certifying the regular standing and dismission of its members to join other ecclesiastical bodies in connection, or correspondence with the General Assembly? Answered in the negative.—1865, p. 77, N. S.

6. Reception and dismission of ministers Presbyterial acts.

"We recommend that you decree that, as the reception and dismission of ministers are Presbyterial acts, no Presbytery can receive a minister on 'a forthcoming letter,' or authorize its Stated Clerk to grant a letter to a minister 'when called for,' and that letters cannot be granted except by Presbyteries while in session, and that without conditions.—1897, p. 44, C. P.

7. May a minister be received on a forthcoming letter?

Overture No. 682, asking the Assembly to declare whether a Presbytery may receive a minister on a forthcoming letter from another Presbytery.

It is recommended that the Overture be answered in the negative. The recommendation was laid on the table by the Assembly.—1914, p. 159.

8. Fixing of date to certificate of ministerial dismission discretionary with Presbytery.

The Standing Committee on Polity presented an additional Report, which was adopted, and is as follows:

Overture No. 262, from the Presbytery of Cincinnati, asking as to the right of a Presbytery to issue to a minister a certificate of dismission, the same to become operative at some future date. It is recommended that the answer be, that the date to be affixed to a certificate of dismission is within the discretion of the Presbytery granting the same.—1915, p. 227.

VI. TO JUDGE MINISTERS.

1. The Presbytery alone must judge of the fitness of its members.

Your Committee doubted the correctness of the order given by the Synod to the Presbytery of Geneva, to reconsider their proceedings on the subject of the admission of the Rev. Shipley Wells, a constituent member of that Presbytery, which order, though it be not appealed from, appears to have given rise to the protest in question.

The Synod of Geneva were beyond doubt, in the opinion of your Committee, competent to censure the Presbytery of Geneva for admitting hastily, and on slight evidence, into their body, an unworthy or even a suspicious character. But it is, in the opinion of your Committee, equally clear, that the right of deciding on the fitness of admitting Mr. Wells a constituent member of the Presbytery of Geneva, belonged to the Presbytery itself; and that having admitted him, no matter how improvidently, their decision was valid and final. The individual admitted became a member in full standing; nor could the Presbytery, though it should reconsider, reverse its own decision, or in any way sever the member so admitted from their body, except by a regular process. —1816, p. 612. (See below, pp. 185, 9; 592.)

2. The Presbytery has discretion in receiving members.

[NOTE.—See case of Rev. H. E. Mott, received and enrolled by the Presbytery of Dubuque. Complaint *vs.* the Synod of Iowa.]

The Assembly fail to discover anything that would indicate that the Presbytery of Dubuque has taken any action not justified by its exercise of Constitutional discretion in the management of affairs within its own bounds.—1889, p. 92.

3. Presbytery the judge as to whom it will receive into its membership.

Overture No. 281, from the Presbytery of North River, with reference to the attitude of Presbyteries toward one another in the matter of receiving ministers into membership. We recommend the following answer. That while Presbyteries are to be careful to observe due courtesy toward each other, each Presbytery has the right, under the Form of Government, to determine for itself whom it will receive into membership.—1912, p. 167.

4. A Presbytery may reject an applicant.

A *Complaint* and *Appeal* of Rev. Thomas Ledlie Birch against certain proceedings of the Presbytery of Ohio in the case of Mr. Birch, particularly for refusing to receive him as a member of their body, on the ground of a supposed want of acquaintance with experimental religion, together with a representation of the congregation of Washington, in the bounds of the said Presbytery, on the subject, was brought in by the Committee on Bills and Overtures.

Subsequently *Resolved*, That no evidence of censurable procedure in the Presbytery of Ohio, in the case of Mr. Birch, has appeared to this house, inasmuch as there is a discretionary power necessarily lodged in every Presbytery to judge of the qualifications of those whom they receive, especially with respect to experimental religion.—1801, pp. 213, 218.

5. But not without sufficient cause.

a. A *Complaint* was brought in by the Rev. George Duffield against the Second Philadelphia Presbytery, that they had, by one of their members, obstructed his entrance into a church in this city under their care, to which he had accepted a call, and had also refused to receive him as a member, although he was dismissed from, and recommended by, the Presbytery of Donegal, which was read.

After having maturely considered this matter, the Synod judge that Mr. Duffield has just cause for complaint against the conduct and judgment of the Second Philadelphia Presbytery, who ought to have admitted him to membership with them, and allowed him a fair trial; wherefore we now declare him to be minister of the Pine Street or Third Presbyterian congregation in this city, and order that he be put upon the list of the aforesaid Presbytery.—1773, p. 446.

b. *Resolved*, That the Appeal of the Presbytery of Abingdon from the decision of the Synod of Virginia, in the case of the Rev. Robert Glenn, be dismissed, on the ground that the substantial cause of appeal has been removed by the act of that Presbytery, in their receiving Mr. Glenn, in conformity with the decision of the Synod. The Appeal was accordingly dismissed.—1822, p. 55.

6. Rule as to a member of an extinct Presbytery, charged with an offense.

The Committee appointed to consider the Overture sent up by the Presbytery of Baltimore respecting the course proper to be pursued by a Presbytery when a minister with a certificate of good standing from a Presbytery which has no longer any existence applies for admission, but is supposed to be chargeable with some offense subsequently to the date of that certificate, made the following Report, which was adopted, viz.:

That after the most attentive consideration of the question presented in said Overture, it appears to them that the proper answer is embraced in the following particulars, viz.:

1. It is well known that the Book of Discipline of our Church expressly provides that when a minister shall be dismissed by one Presbytery with a view to his joining another, he shall always be considered as remaining under the jurisdiction of the Presbytery which dismissed him until he actually becomes a member of another. In the case stated in the Overture, however, as the dismissing Presbytery had become extinct, it was physically impossible to act according to the letter of this rule. In these circumstances every principle of sound interpretation seems to direct that in ordinary cases the Presbytery into which admission is sought should receive the applicant, and if he be charged with any offense, conduct the process against him.

2. Nevertheless, it is the privilege of every Presbytery to judge of the character and situation of those who apply to be admitted into their own body, and unless they are satisfied, to decline receiving the same. A Presbytery, it is true, may make an improper use of this privilege, in which case the rejected applicant may appeal to the Synod or the General Assembly.

3. When any minister dismissed in good standing by an extinct Presbytery is charged with an offense subsequently to the date of his dismission, the Presbytery to which he applies for admission not only may, if they see cause, decline receiving him, but if their own situation be such, that there is no prospect of their being able to conduct process against him in an impartial and efficient manner, ought to decline admitting him into their body.

4. In this case ministers dismissed by an extinct Presbytery and not received into any other are to be considered as under the direction of their proper Synod, and ought to be disposed of as the Synod may order. —1825, pp. 146, 147.

[NOTE.—See this *Digest*, Book of Discipline, Chap. xi, Sec. 113.]

7. How ministers and licentiates from corresponding bodies are to be received.

The Committee appointed by the General Assembly of 1829, to consider and report to the Assembly of 1830 on the manner in which ministers and licentiates are to be received into any of our Presbyteries from ecclesiastical bodies in the United States which correspond with this General Assembly, made the following Report, which was adopted, viz.:

That in their judgment every licentiate coming by certificate to any Presbytery in connection with the General Assembly from any portion of a corresponding ecclesiastical body, should be required to answer in the affirmative the Constitutional questions directed by Chap. xiv of our Form of Government, to be put to our own candidates before they are licensed; and that in like manner every ordained minister of the Gospel, coming from any Church in correspondence with the General Assembly by certificate of dismission and recommendation, should be required to answer affirmatively the first seven questions directed by Chap. xv of our Form of Government to be put to one of our own licentiates when about to be ordained to the sacred office.

The course which is thus recommended by the Committee they believe has been generally practiced by our Presbyteries, and the impropriety of admitting strangers into our connection on other terms than our own licentiates and ministers is too obvious to require remark. It is the assent of licentiates and ministers to these questions which brings them under the watch and care of the Presbyteries which receive them, and without which they ought not to enjoy the privileges of preachers of the Gospel in our ecclesiastical connection.—1830, p. 287.

8. Ministers dismissed in good standing should be received on their testimonials.

Resolved, That a due regard to the order of the Church and the bonds of brotherhood require, in the opinion of this Assembly, that ministers dismissed in good standing by sister Presbyteries should be received by the Presbyteries which they are dismissed to join, upon the credit of their Constitutional testimonials, unless they have forfeited their good standing subsequently to their dismissal.—1834, p. 440.

[NOTE.—See next below.]

9. The right of Presbytery to satisfy itself.

a. *Resolved*, That in the judgment of this General Assembly, it is the right of every Presbytery to be entirely satisfied of the soundness in the faith, and the good character in every respect, of those ministers who apply to be admitted into the Presbytery as members, and who bring testimonials of good standing from sister Presbyteries, or from foreign bodies with whom the Presbyterian Church is in correspondence. And if there be any reasonable doubt respecting the proper qualifications of such candidates, notwithstanding their testimonials, it is the right and may be the duty of such a Presbytery to examine them, or to take such other methods of being satisfied in regard to their suitable character as may be judged proper, and if such satisfaction be not obtained, to decline receiving them. In such case it shall be the duty of the Presbytery rejecting the applicant to make known what it has done, to the Presbytery from which he came, with its reasons, it being always understood that each Presbytery is in this concern, as in all others, responsible for its acts to the higher judicatories.—1835, p. 485.

[NOTE.—As matters of information, the following deliverances are inserted.]

b. This Assembly do now render it imperative on the Presbyteries to examine all who make application for admission to their bodies at least on experimental religion, didactic and polemic theology and church government.—1837, p. 579.

c. *Whereas*, It is the inherent right of Presbyteries to expound and apply Constitutional rules touching the qualifications of their own members, therefore,

Resolved, That the action of the last Assembly making it imperative on the Presbyteries to examine all who make application to their bodies, not excepting ministers coming from other Presbyteries, is null and void. —1838, p. 660, N. S. (See p. 285, 5.)

10. The right of Presbytery to examine ministers applying for admission recognized by both Assemblies.

It is agreed that the Presbyteries possess the right to examine ministers applying for admission from other Presbyteries: but each Presbytery shall be left free to decide for itself when it will exercise the right.—1868 p. 629, O. S.; 1868, p. 32, N. S.

11. Examination of a minister bringing a letter from another Presbytery discretionary.

When a minister brings a certificate of dismission in good and regular standing, and a recommendation from one Presbytery to another, has the Presbytery to which he comes a right to require him to submit to an examination before receiving him? Recommended that the matter be left to the Presbyteries, as the rightful judges of the qualifications of their own members.—1880, p. 56.

12. A Presbytery may not give a qualified dismission nor receive a minister except on a letter of dismission. Where reception is void, the name should be stricken from the roll.

Can a Presbytery, under any circumstances, rescind its action in the reception of a member? The Committee recommends the following answer:

It appears in the case referred to in this Overture that a minister, having taken a qualified letter of dismission from his Presbytery, was received by the Presbytery to which he was dismissed upon other testimonials.

It is the opinion of this Assembly,

1. That no Presbytery has the right to grant qualified letters of dismission to any of its members.

2. That no Presbytery can receive a minister except upon a letter of dismission from the Presbytery to which he belongs (Discipline, Sec. 115).

3. That the action of the Presbytery in the case referred to, in receiving said minister, being void, the proper course would have been to strike his name from the roll, and notify the Presbytery to which he belonged of his irregularity.—1869, p. 922, O. S.

13. Decision requiring giving letter of dismission.

The Assembly was organized as a Judicial Court. The Record in *Case No. 4* was read, and the preliminary judgment by the Commission on motion was confirmed as the final judgment of the General Assembly. The Report is as follows:

Judicial Case No. 4.—John R. Ellis vs. the Presbytery of Indianapolis. In the matter of the Petition of the Rev. John R. Ellis wherein it is made to appear that the Presbytery of Indianapolis failed and neglected to issue to him a letter of dismissal and recommendation upon his request therefor duly made, and,

Whereas, the case of Rev. John R. Ellis *vs.* the Synod of Indiana was duly heard and decided by the Permanent Judicial Commission and reported and confirmed by the Assembly in May, 1915, as a result of which judicial decision the name of Rev. John R. Ellis was restored to the roll of the Presbytery of Indianapolis, and,

Whereas, the said Presbytery within two years after the said Judicial decision failed and neglected to grant a letter of dismissal to said Rev. John R. Ellis, as above stated, and,

Whereas, it does not appear that the Presbytery of Indianapolis has been notified of the pendency of this decision and has not appeared in any way before this Commission or before the General Assembly, and made answer thereto in any form,

Now, therefore, it is the judgment of this Commission that the General Assembly order and direct the Presbytery of Indianapolis,

First, to grant to the Rev. John R. Ellis a letter of dismissal and recommendation in the usual form to such ecclesiastical body as he may name; or,

Second, failing so to do, that the Presbytery of Indianapolis show cause therefor to the next General Assembly as to why such letter has not been granted.—1919, p. 180.

14. Ministers from other denominations to be carefully examined in theology.

a. *Resolved*, That the Presbyteries be enjoined, when dealing with applications from ministers of other denominations for admission into our Church, to demand of such applicants evidence of having had a course of collegiate and theological instruction equivalent to that demanded in the case of candidates for the ministry under the care of our Presbyteries; and that such applicants shall be subject to a particular and careful examination in theology.—1880, p. 85.

b. As to ministers "from other denominations," the General Assembly having had no care or supervision of their theological instruction, requires an examination as to their change, and reasons therefor, of conviction in doctrinal belief and in the Form of Church Government, and of their approval of and sincere acceptance of the Standards of the Church.—1896, p. 161.

15. A Presbytery may not restore a minister deposed by another.

Also, a Memorial of the Rev. George D. Stewart and others, that the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland, against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

It is recommended that this General Assembly declare that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed; and therefore the action of the Presbytery of Highland in restoring Mr. Hummer was improper; and the Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the Constitution.—1862, p. 608, O. S.; confirmed, 1883, p. 628.

16. A minister who has withdrawn can be restored only by the Presbytery from which he withdrew.

Mr. David Austin, who had been formerly a member of the Presbytery of New York, and had withdrawn from the Presbytery and the Presbyterian Church, appeared before the Assembly and renewed his request of last year to be again received into ministerial communion and regular standing in the Presbyterian Church. Mr. Austin, having been fully heard in support of his Petition, withdrew; when the Assembly, after maturely considering the case,

Resolved, That as it would be disorderly for this Assembly to restore Mr. Austin to his standing in the Presbyterian Church in the form in which it is sought by him, inasmuch as he withdrew from the Presbytery of New York, against whom he makes no complaint, and to whom, of course, he ought to apply, so this Assembly, in the course of the discussion had on the subject of Mr. Austin's application, have had before them sufficient evidence that it is inexpedient at present to recommend his reception by any judicature of this Church. Yet the Assembly are willing to hope that the time may come when the restoration of Mr. Austin to his former standing may take place to his own satisfaction and the edification of the Church.—1802, p. 238.

17. The name of a suspended minister is to remain upon the roll.

a. The Records of the Synod of Northern Indiana approved except that on page 54, the Synod censure the Presbytery of Michigan for retaining the name of Mr. Nicoll on the roll after suspending him from the Gospel ministry. Your Committee are of the opinion that the name of a suspended minister should be retained on the roll of Presbytery till they proceed to the higher censure, though he be deprived of the exercise of his ministerial functions.—1847, p. 398, O. S.; confirmed, 1882, p. 96.

b. *Overture* from the Presbytery of Redstone, asking if it is proper to remove the name of a suspended member of the Presbytery from its roll, and place it in a private register. Your Committee recommend that this Overture be answered in the negative (*Digest,* 1886, p. 160, Sec. 39).—1882, p. 96.

[NOTE.—See this *Digest,* p. 750.]

18. Deposition does not necessarily infer also excommunication. When both are intended, it should be so expressed.

a. The Committee to which was referred the consideration of a Report made by the Committee which had been appointed to examine the Records of the Synod of Geneva reported, and their Report being read, was adopted, and is as follows, viz.: That the Records of the Synod be approved to page 45, with the exception of a resolution on page 28, which declares that a deposed minister ought to be treated as an excommunicated person. In the judgment of this Assembly, the deposition and excommunication of a minister are distinct things, not necessarily connected with each other, but when connected ought to be inflicted by the Presbytery to whom the power of judging and censuring ministers properly belongs.—1814, p. 549.

b. *Overture No. 20.* A question submitted by John Warnock of Alabama, "Does deposition from the ministry exclude from church privileges?" The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That though the causes which provoke deposition are almost always such as to involve the propriety of exclusion from the Sacraments, yet the two sentences are not essentially the same, the one having reference to office and the other to the rights of membership, and, therefore, Presbyteries should be explicit in stating both when they mean both. When, however, a Presbytery interpret deposition to involve suspension from the Sacraments, and pronounce the censure in that sense, the sentence obviously includes both.—1848, p. 34, O. S.

[NOTE.—See this *Digest,* Book of Discipline, Chap. v, Sec. 35, and Chap. vi, Sec. 41.]

19. The name of a deposed minister to be published in case he does not cease from ministerial functions.

Resolved, That it be recommended to the Presbyteries under the care of the General Assembly when they shall depose any of their members from the exercise of the ministerial office, and when any person so deposed shall, without having been regularly restored, assume the ministerial character, or attempt to exercise any of the ministerial functions, that in such case, with a view to prevent such deposed person from imposing himself on the churches, Presbyteries be careful to have his name published in the Assembly's magazine as deposed from the ministry, that all the churches may be enabled to guard themselves against such dangerous impositions.—1806, p. 360.

20. Judicial case amicably settled by conference and agreement.

Judicial Case No. 2.—Rev. Adolph Haberly vs. Presbytery of Southern Oregon, and Presbytery of Southern Oregon vs. Rev. Adolph Haberly.

In the matter of the *Complaint* of Rev. Adolph Haberly a member of the Presbytery of Southern Oregon, it appears that charge of conduct unbecoming a minister had been preferred by Rev. Adolph Haberly against Rev. N. D. Shields, and that thereupon Presbytery adjudged Rev. N. D. Shields not guilty. The Presbytery then preferred charges of slander against Rev. Adolph Haberly and suspended him from the ministry.

Both cases came on for hearing and by consent were consolidated and heard together, both complainant and respondent appearing, and each represented by counsel, without pecuniary consideration or other emolument.

Before your Commission entered upon the consideration of these cases, a suggestion was made and concurred in by all parties in interest, that a conference be held looking to the adjustment of all matters in controversy. Upon suggestion of counsel, before the conference began, prayer was had to guide the parties in reaching an adjustment. Subsequently counsel reported that a complete settlement of every matter of difference had been reached by and between the parties to the controversy.

Thereupon, your Judicial Commission made the following decision:

First: The settlement reported be and the same is approved.

Second: The charges brought by Presbytery against Rev. Adolph Haberly and the charges brought by Rev. Adolph Haberly against Rev. N. D. Shields are ordered expunged from the Records of the Minutes of Presbytery held April 15, 16 and 17, 1913, and all references to both sets of charges and all action of the Presbytery of Southern Oregon thereon are hereby ordered expunged from all Minutes of such Presbytery, and all undistributed printed copies of all of such Minutes are hereby ordered destroyed.

Third: The action of the Presbytery of Southern Oregon in suspending Rev. Adolph Haberly is reversed, and the charge pending against him is dismissed. Presbytery is directed to change its Record so as to conform to this judgment.—1914, p..48.

21. Judgment of suspension by Presbytery reversed.

Judicial Case.—Rev. Percival H. Barker vs. Presbytery of Neosho.—In the matter of the Appeal of the Rev. Percival H. Barker, of Newark, N. J., against the action of Presbytery of Neosho in suspending him from the exercise of the functions of the Gospel ministry on January 14, 1913, and a year later deposing him from the office of the Gospel ministry, the Permanent Judicial Commission would report as follows:

Charges were preferred by the Neosho Presbytery against appellant, the Rev. Percival H. Barker, and after trial, judgment was rendered against him on the charge of lying, and he was suspended from the exercise of his ministerial functions for the term of one year from January 14, 1913. At a meeting of the said Presbytery held in Iola, Kansas, January 20, 1914, the action taken was as follows, viz.:

"*Resolved*, That we, the Presbytery of Neosho, express our disapproval of the conduct of the Rev. Percival H. Barker in his treatment of the sentence of suspension imposed upon him by us, said suspension to run one year from January 14, 1913, and that we do now depose, without excommunication, the said Rev. Percival H. Barker, from the ministry of the Presbyterian Church in the U. S. A., in accordance with the powers of the Book of Discipline, Chap. vi, Sec. 41, which is as follows:

"'A minister suspended from office may, at the expiration of one year, unless he gives satisfactory evidence of repentance, be deposed without further trial.'

"And that the Stated Clerk is hereby instructed to grant Mr. Barker a letter to any local church which he may designate."

Mr. Barker appealed to the General Assembly against the aforesaid action of the Presbytery of Neosho on the following grounds, viz.:

That the said judgment was based on illegal and improper evidence; that the evidence before said Presbytery was not sufficient to justify the judgment appealed from; that the said judgment was unjust; that the members of said Presbytery who participated in the meeting of January 20, 1914 were prejudiced against the appellant and influenced other members against him.

After the reading of the Records in the case and the hearing of the parties concerned, both sides being represented by counsel, without pecuniary consideration or other emolument, the Permanent Judicial Commission finds:

First: That the appellant was suspended upon insufficient and improper evidence.

Second: That the appellant did not violate the provision of the Book of Discipline, Chap. vi, Sec. 42, on the basis of which he was deposed from the ministry of the Presbyterian Church, U. S. A.

Therefore, the judgment of the Permanent Judicial Commission is that the Appeal of the Rev. Percival H. Barker against the Presbytery of Neosho is sustained, and the action of the Presbytery of Neosho on January 14, 1913, suspending the said appellant from the exercise of the functions of the Gospel ministry, for the term of one year, and the action of the Presbytery in deposing him from the office of the Gospel ministry on January 20, 1914, are hereby reversed; and the Presbytery is hereby directed to restore the name of the appellant, the Rev. Percival H. Barker, to the roll of Presbytery, and to grant a regular certificate of dismissal when so requested by him.—1914, p. 249.

[Note.—The Assembly did not adopt the finding of the Commission, but remanded the case to the Presbytery of Neosho for retrial. See below, p. 200.]

22. Presbytery empowered to dissolve pastoral relation with or without consent.

Judicial Case.—First Italian Church, vs. the Presbytery of Detroit.—

The facts in this case are that the affairs in the First Italian Church of Detroit in the deliberate judgment of the Presbytery of Detroit called for the exercise of direct interference under powers granted the Presbytery in its care of local churches. There had been years of patient dealing on the part of the Presbytery of Detroit, with the pastor and congregation of the First Italian Church, profound anxiety developed in the Presbytery for this important work among Italians carried on in a plant representing large gifts from the Presbyterians of Detroit. A change in pastorate seemed imperative if the work was to be successful. The Presbytery proceeding in a way approved by the book and in discharging the obligation to the trust imposed dissolved the pastoral relation.

Opinion.

The Complaint of the First Italian Church of Detroit in dissolving the pastoral relations existing between the Rev. G. Buggelli, and the First Italian Church of Detroit is not sustained.

The Presbytery of Detroit has not exceeded its rights or powers as provided in Chap. X, Sec. vii, of the Form of Government, viz., A Presbytery may in its discretion, after careful examination and on deliberation dissolve the pastoral relation existing between the pastor and any church in the jurisdiction of the Presbytery with or without the consent or over the protest of either or both parties. (Rev. Henry Ward *vs.* Synod of New York.—*Minutes*, 1908, p. 201.)—1922, p. 223. (See p. 180, 1.)

23. Presbytery's right both to dissolve pastoral relation and depose minister confirmed.

Judicial case,—Winfred Altvater vs. The Presbytery of Toledo. For case in full, see *G. A. Minutes*, 1928, pp. 86–89. The final judgment was as follows:—

The offense of contumacy is expressly designated as ground for suspension or deposition from the office of the ministry. Book of Discipline, Chapter V, Sections 34, 35; *Digest*, 1922, Vol. I, p. 511. The evidence in this case supports the judgment of the Presbytery. The pastoral relation should have been dissolved in order to bring about peace and harmony. The Presbytery very properly tried to take charge of the affairs of the Church. The property of the church was under mortgage to the Board of National Missions to secure heavy debts on which no interest had been paid for four years. Debts were also due to a bank which was threatening suit.

The pastor seems to have labored diligently, but without any spirit of toleration for those who differed with him as to his methods, and he has caused many to leave the church. He has earnestly but vainly endeavored to show that he is the victim of prejudice, malice and unfair practices and that certain of the proceedings in the Presbytery were irregular and in violation of the laws of the Presbyterian Church; but we find no substantial evidence of these things from the record. The Presbytery appears to have duly exercised its powers according to a sense of duty under painful and deplorable circumstances. We are unable to conceive of any other course as adequate and proper. Its judgments were necessary to maintenance of order and promotion of harmony, as well as the preservation of the dignity and authority of the Presbyterian Church.

It is therefore the judgment of the Permanent Judicial Commission that the complaint of Rev. Winfred Altvater be, and the same is hereby dismissed.—1928, p. 86.

24. Interpretation of the phrase "a letter of dismissal to such Presbytery as the applicant may indicate."

Judicial Case No. 2.—Rev. J. R. Milligan, Stated Clerk of the Presbytery of New Castle, vs. The Synod of Baltimore.

It appears from the Record in this case that the Presbytery of New Castle at its meeting on January 14, 1919, at the request of the Rev. Henry E. Gebhard, a member of said Presbytery, took the following action: "The Stated Clerk was instructed to isssue a letter of dismission to the Rev. Mr. Gebhard at his request," the name of the body to which such letter should be issued being evidently left dependent on the nature of the request to be made later.

A marginal note on the Presbytery's Records at this point reads: "Later issued to Allegheny Classis, Pittsburgh Synod, R. C. U. S.", the initials indicated as alleged in the Complaint, the Reformed Church in the United States.

The Synod of Baltimore at its subsequent meeting October 29, 1919, entered its exception to this action as follows: "There is an irregularity in the omission of the name of the Presbytery to which the member was dismissed. (Rev. Henry Gebhard is the member.)"

The Complaint alleged that the Synod refused to reconsider its action in making this entry of exception upon its being shown that the Presbytery Record does indicate the issuance of the letter to the classis aforesaid.

The complainant, for himself, as Stated Clerk, and for the said Presbytery asks a reversal of the action of the said Synod of Baltimore.

The General Assembly in 1914 (See *Minutes*, pp. 155, 156), by answer to Overtures, took action providing for the dismissal of members and the subsequent execution of such letter of dismissal, "to such Presbytery as the applicant may indicate."

There was, therefore, no irregularity in this case justifying the exception entered on Presbytery Record by the Synod unless the issuance of a letter to a Classis of the Reformed Church in the U. S. is excluded by the words "to such Presbytery as the applicant may indicate." Would a letter to a Presbytery have been regular and a letter to a Classis irregular?

There is no question that letters may properly be issued to the said Reformed Church as an Evangelical Church body between which and our own Church relations of fellowship exist, and mutual interchange of members and ministers may properly be carried on as well as between our own and many other Evangelical Churches. The reasons given for the General Assembly action in 1914 (See *Minutes*, pp. 155, 156) are such as to indicate clearly the purpose to facilitate and expedite the transfer of a minister from one field of labor to another, and the use of the single term Presbytery in this connection must reasonably be considered to include such other ecclesiastical body as a letter would be properly issued to during a session of a Presbytery on request of a member in good standing.

It is therefore the finding and judgment of the Permanent Judicial Commission:

1. That there was no irregularity in the action of New Castle Presbytery and its Stated Clerk in the dismission of Rev. Henry E. Gebhard;

2. That the Complaint is sustained:

3. That the Synod of Baltimore is directed to expunge from the Minutes of the Synod and the Presbytery the entry of exceptions to Presbytery's action in the issuance of the letter of the Rev. Henry E. Gebhard.—1920, p. 87. (See p. 755.)

25. Decision bearing on Presbytery's power to dissolve pastoral relation without consent.

In the matter of the *Complaint* of Rev. Henry Ward, D. D., against the action of the Synod of New York in dismissing the Complaint of Rev. R. J. Campbell, pastor of the First Presbyterian Church of Blasdel, New York, as to the action of Buffalo Presbytery relative to its dissolution of the latter's pastoral relation with said church, and confirming the action of the Presbytery, the Permanent Judicial Commission beg leave to make the following Report.

The Complaint alleges that the action of the Presbytery was taken (1) without any request from either the pastor or congregation of Blasdel Church; (2) without the knowledge of either the pastor or congregation that such action was contemplated; (3) without any citation to the pastor or to the congregation to show cause; (4) without charges or complaint from any one, presented or considered in an orderly manner; (5) against the protest both of the pastor and congregation. Without discussing in detail the several specifications or grounds of complaint, your Permanent Judicial Commission is of opinion that the Judicial Committee of the Synod of New York was without authority to try on its merits and determine the Complaint of Rev. R. J. Campbell against Buffalo Presbytery. The authority of the Committee went no further than to determine whether the Complaint (*i.e.*, the papers) was in order, and whether sufficient reasons for proceeding to its determination had been assigned (Book of Discipline, Sec. 8).

As the Papers appear to have been in order and the Complaint involved a question of Constitutional law, viz., whether under the powers conferred by Chap. x, Sec. viii, Form of Government, the Presbytery, in the absence of a request from pastor and congregation, could dissolve the pastoral relation without a citation to both to show cause, the Judicial Committee should have reported the matter to the Synod as a case requiring the appointment of a special Judicial Commission to try the Complaint in regular order, whereupon the Synod should have appointed such special Judicial Commission to hear and determine the Complaint.

The Permanent Judicial Commission is also of opinion that the facts presented by the Record, and upon the hearing before it, fail to manifest that the pastor or congregation of the Blasdel Church were duly cited to show cause against the dissolution of the pastoral relation before such dissolution was ordered by the Presbytery. Manifestly a Presbytery, under the provisions of Chap. x, Sec. viii, of the Form of Government, has the power to dissolve the pastoral relationship without a request from or the consent of either pastor or congregation, where sufficient grounds exist to justify such dissolution; but this is not an arbitrary power to be exercised without notice to the parties concerned.

In such cases the Presbytery must proceed in the regular and orderly way prescribed by the Constitution. The parties concerned must have official notice of what is proposed to be done; a full hearing must be accorded them, and all substantial provisions of the Constitution and laws of the Church complied with.

Chap. xvii, Sec. i, Form of Government, provides that in the matter of a dissolution of a pastor's relationship, the congregation or pastor not making or joining in the request therefore shall be cited to appear and show cause, if any exist, why the relationship should not be dissolved. Obviously, in a case where neither pastor nor congregation requests the dissolution, or where both object, as in the case before us, the greater reason exists for the citation to show cause, and in such case it should be given to each.

While the Constitution does not in express language provide for notice to either pastor or congregation of a contemplated dissolution in such a state of case as here presented, it does so by implication; and in all cases where individuals or societies are proceeded against and their rights proposed to be affected, they have a natural as well as a legal right to a hearing and to make defense. The notice or citation required in the case before us should have been officially given by the Presbytery to both pastor and congregation, and the fact that a few or many of the congregation by other means knew of the action proposed on the part of the Presbytery, did not obviate the necessity for the giving of the official notice. It is, therefore, the judgment of the Judicial Commission that the Complaint herein be and is hereby sustained, and that the case be remanded to the Synod of New York, with direction to that judicatory to remand it to the Presbytery of Buffalo, under instructions to reopen the case and conduct it to a conclusion in accordance with the methods of procedure prescribed by the Constitution of the Church, including the giving of due official notice to the pastor and congregation of Blasdel Church of whatever action may be contemplated by the Presbytery with reference to a dissolution of the pastoral relation between them.—1908, pp. 201–203.

26. Dissolution of the pastoral relations existing between Rev. John McElmoyle, D.D., and the Elkton Presbyterian Church.

Judicial Case No. 3.—Presbytery of New Castle vs. Synod of Baltimore.—Part A.

The Complaint and Appeal in this case is filed by the Presbytery of New Castle against the Synod of Baltimore. It brings before us for consideration the propriety of the action of the Presbytery in dissolving the pastoral relation between the Rev. John McElmoyle, D.D., and the Elkton Presbyterian Church. A brief recital of the history of the case will clarify the issue.

On November 4, 1918, three elders of the church presented a Petition to the Presbytery in which they alleged that the pastor was commercializing the sacred ceremony of marriage, thereby degrading the moral tone of the community, bringing ridicule and reproach upon the church and interfering with the spiritual life and growth of the people. The Petition requested that the Presbytery make a thorough investigation of conditions with a view to taking such action as it might deem advisable. Presbytery, upon the recommendation of its Judicial Committee, granted the request and appointed a Committee of five to conduct the investigation. Dr. McElmoyle was present.

Thereafter and before commencing the investigation Dr. McElmoyle was advised that the Committee would hear him and all persons produced by him. Subsequently the committee went to Elkton and spent seven days in the examination of witnesses. Dr. McElmoyle appeared before the Committee and made a long statement. The Committee heard all persons produced by him. The testimony covers two hundred closely printed pages.

On January 14, 1919, the investigating Committee presented its Report of findings to Presbytery. Dr. McElmoyle was present. The Committee reported that it found conditions in the church deplorable, attendance upon the services very poor, the spiritual condition even more lamentable and the financial condition becoming alarming. The Report submitted three resolutions, the first of which was

> "We deem it for the best interests of the church that the pastoral relations existing between Dr. McElmoyle and the Elkton Presbyterian Church be dissolved."

This Report was adopted by Presbytery.

Presbytery met again in April, 1919, and on October 6, 1919, but no action affecting the issue raised by this Appeal was taken. On October 29, 1919, however, Presbytery at a meeting at which Dr. McElmoyle was again present adopted the following resolution:

> "*Resolved*, that the congregation of the Elkton Presbyterian Church be cited to appear before the Presbytery of New Castle at a meeting to be held in Dover Presbyterian Church at Dover, Delaware, on November 17, 1919, at 10:20 A. M., to show cause, if any, why the pastoral relation existing between the Rev. John McElmoyle and the Elkton Presbyterian Church should not be dissolved."

Notice of this citation was sent by the Stated Clerk of the Presbytery to Dr. McElmoyle and was read by him from the pulpit to the congregation. On the return day of the citation, certain representatives of the congregation appeared before Presbytery to protest against the dissolution of the pastoral relation. They were fully heard. Dr. McElmoyle was not present. It was stated on his behalf that he was attending a funeral, but it is not shown that he requested an opportunity to be heard or an adjournment, or that he objected to Presbytery proceeding in the matter. After prolonged discussion and prayer, Presbytery voted to dissolve the pastoral relation.

From that action, certain members of the Presbytery complained to Synod assigning four reasons for complaint. Synod at its meeting in 1920 reversed the action of the Presbytery, not upon any one of the four reasons assigned by the complainants, but solely upon the ground that Presbytery had dissolved the pastoral relation "without having previously cited or given due notice to the pastor to appear." From that action of Synod, Presbytery complains and appeals to the General Assembly.

It thus appears that the question here before us is a very narrow one. No doubt exists as to the power of the Presbytery to dissolve a pastoral relation, even over the protest of the congregation and pastor. (Rev. Henry Ward *vs.* Synod of New York, General Assembly, 1908, p. 201.) No necessity for discussing the evidence exists, except to say that it abundantly supports the findings of Presbytery that the participation of Dr. McElmoyle in the marrying of couples coming from outside of the State did bring reproach on the good name of the Church and community. The single narrow question presented for discussion is, should the action of Presbytery in this case be reversed because it failed to issue a citation directed to Dr. McElmoyle and serve it upon him?

In approaching this question, the nature of this proceeding must be kept in mind. There is no charge of an offense against Dr. McElmoyle. His ecclesiastical standing as a minister of the Presbyterian Church in the United States of America is not affected by this proceeding. Therefore, the provisions of Chap. iv of the Book of Discipline as to the issuance of citations in such cases do not apply. Neither is the case one in which either the pastor or the congregation without concurrence of the other, requested dissolution of pastoral relations. Therefore, the provisions of Chap. xvii of the Form of Government as to the issuance of citations in such cases do not apply. In this case, the Presbytery acted under the broad powers given to it by Chap. x, Sec. vii, of the Form of Government which provides in part:

> "That the Presbytery has power to ordain, install, *remove*, and judge ministers; . . . to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them; . . . and, in general, to order whatever pertains to the spiritual welfare of the churches under their care."

It is to be noted that this Section differs from other parts of the Form of Government and Book of Discipline referred to, in that it contains no requirement or provision whatever as to the issuance of citations. The failure of Presbytery to serve a formal citation upon Dr. McElmoyle in this proceeding was therefore not a violation of any requirement of the Form of Government or Book of Discipline. We do not mean to be understood as approving of the practice of proceeding without service of citation in such cases. On the contrary, we advise and approve of the issuance and service of citations as being the most satisfactory proof that due notice has been given to the pastor concerned. But inasmuch as the service of the citation is not required, we hold that the only effect of Presbytery's failure to issue and serve it was to cast upon the Presbytery the burden of showing by some other means that Dr. McElmoyle had due notice of all proceedings affecting his rights and interests. This burden the Presbytery has in this particular case satisfactorily discharged. It is shown that Dr. McElmoyle was present at Presbytery when the Petition for investigation was presented, he was advised in advance by the Investigating Committee as to its manner of procedure, he appeared before it as did all persons presented by him, he was at the meeting of Presbytery on the day when the Report of the Investigating Committee was adopted and also on the day when the citation to his congregation was directed to be issued and that citation was sent to him and read by him to his congregation. It is, therefore, fully shown that he had actual knowledge and notice of all the proceedings of Presbytery. He did not appear at the meeting of Presbytery on the return day of the citation, it is true, but it is not denied that he had actual knowledge of the meeting and of the fact that the dissolution of his pastoral relation with Elkton Church was to be considered, yet he made no request to be heard, no request for an adjournment, no protest against Presbytery proceeding in the matter. We cannot imagine any circumstances under which Dr. McElmoyle could possibly have had fuller notice or knowledge of the proceedings. We are of the opinion that because such complete knowledge is shown, the failure to issue and serve a citation does not warrant Synod's reversal of Presbytery's action. The case of Rev. Henry Ward, D.D., *vs.* The Synod of New York (General Assembly *Minutes*, 1908, p. 201) upon which the Synod based its action is clearly distinguished by the fact that in that case it was alleged that the pastoral relation was dissolved *without the knowledge* of either the pastor or the congregation. No such allegation is made either by the pleadings or by the counsel in this case. On the contrary the undisputed facts show the fullest knowledge.

It is, therefore, the judgment of the Judicial Commission:

1. That the Appeal and Complaint of the Presbytery of New Castle against the Synod of Baltimore be and the same is hereby sustained.
2. That the action of the Presbytery of New Castle in dissolving the pastoral relation between the Rev. John McElmoyle, D.D., and the Elkton Presbyterian Church be and the same is hereby affirmed.

Arthur L. Jackson, Esq., moderator of the Commission, being a member of the Synod of Baltimore, was not present, and took no part in the hearing and decision of this case.

Judicial Case No. 3.—Presbytery of New Castle vs. Synod of Baltimore.— Part B.

In the matter of the Appeal and Complaint of the Presbytery of New Castle against the action of the Synod of Baltimore in sustaining a Complaint of the Rev. John McElmoyle and others against the action of the Presbytery of New Castle in refusing to enroll Mr. Malcolm R. Gilpin as the elder from the Elkton Presbyterian Church and enrolling Mr. W. Sterling Evans as the elder from said church, the Permanent Judicial Commission beg leave to make the following Report and findings:

The Judicial Commission of the Synod of Baltimore held that the election of elders in the Elkton Presbyterian Church on May 3, 1920, by the congregation was without authorization of the Session or Presbytery, but inasmuch as it conformed to the provisions of the recently amended charter of the Elkton Church the irregularities did not invalidate the election, and that although it was irregular, it was not illegal. The Judicial Commission of the Synod said that they deemed it best, and earnestly advised that the elders so elected resign, but they did not direct such action on the part of the elders. The Presbytery was ordered to call a meeting of the congregation within thirty days, after such resignation, for the election of elders.

At the meeting of the Presbytery, held on October 6, 1919, its Executive Commission, to which the affairs of the Elkton congregation had been referred, filed a Report recommending that a congregational meeting be called for the purpose of electing elders, but the Presbytery adopted a resolution staying the proposed proceedings at the Elkton Church until the Synod should meet. The pastor of the church, Rev. John McElmoyle, filed a Complaint to the Synod against the action of the Presbytery, which Complaint was sustained. The Synod directed the Presbytery to consider, at its earliest convenience, the appointment of a day for holding of a congregational meeting of the Elkton Church for the purpose of electing elders.

No congregational meeting for the election of elders was thereafter held either upon call of the Presbytery or of the Session of the Church.

The Presbytery of New Castle held an adjourned meeting on October 29, 1919, upon the adjournment of the Synod. The pastor of the Elkton Church, Dr. McElmoyle, was present. A resolution was adopted that the Elkton congregation be cited to appear before the Presbytery on November 17, 1919, to show cause, if any, why the pastoral relation existing between it and Dr. McElmoyle should not be dissolved.

On November 17, 1919, the Presbytery ordered that said pastoral relation be dissolved. It further decided to put the entire control of the Elkton Church in charge of a Presbyterial Committee, to be appointed by the moderator.

To the action of the Presbytery in dissolving the pastoral relation a Complaint to the Synod of Baltimore was filed by persons claiming to constitute at least one-third of the members attending the meeting of the Presbytery.

No committee to take charge of the Elkton congregation was actually appointed in behalf of the Presbytery.

One of the elders of the Elkton Church had died and the other three, being antagonistic to the pastor, refused to call a congregational meeting. It seems, however, that a meeting purporting to be a congregational meeting was held upon call of the trustees of the church. At this meeting an amendment to the civil charter of the church was adopted providing for limited terms of elders and deacons, they to be chosen at an annual meeting of the congregation to be held on the first Monday of May every year.

On May 3, 1920, a meeting was held, pursuant to the provisions of this amendment to the charter. Action was taken purporting to elect three elders, among them Mr. Malcolm R. Gilpin, and also three deacons. Mr. Gilpin was appointed as delegate to the Presbytery. The Presbytery refused to recognize the claim of Mr. Gilpin to a seat in Presbytery and appointed Mr. W. Sterling Evans, theretofore an elder, to represent the Elkton congregation.

It is not claimed that the meeting held in May, 1920, was held upon call of the Session or the Presbytery. It appears from a statement of counsel at the hearing that at each of the regular morning services of the congregation on the two Sundays immediately preceding the meeting it was announced by Dr. McElmoyle that the meeting would be held. It is insisted that the election of elders and deacons at that meeting was valid because the meeting was held under the authority of the amended charter.

The laws of the State of Maryland do not provide for any form of charter for a religious society that would undertake to regulate the performance by the church, or any agency thereof, of any functions, or the exercise of any powers, that are purely ecclesiastical. They merely provide for the incorporation of churches, or trustees thereof, for the management of the property interests of the churches according to the known usages and customs of their respective denominations. They expressly provide that any rules and ordinances of church corporations shall not conflict with the discipline and practice of the denomination. Interpreting these statutes, the Court of Appeals of Maryland has said that the purpose of such corporations was to enable the churches to attend more readily and efficiently to their temporal affairs without any power or authority to interfere with forms of worship, articles of faith, or any other matter relating strictly to spiritual concerns (Shaeffer *vs.* Klee, 100 Maryland Reports, 264).

The Permanent Judicial Commission is of the opinion that the election of elders and deacons at the meeting held in May, 1920, was invalid, for the following reasons:

1. The amendment to the charter providing a mode of election of elders and deacons was void as not being authorized by the laws of Maryland, and furthermore, if the State of Maryland or any other State should undertake to regulate the election of elders or deacons, whose powers or functions are purely ecclesiastical, such regulations would be void as violative of the Constitutional guarantees of religious liberty and separation between Church and State. It is also violative of the laws of the Presbyterian Church and repugnant to its historic claim to immunity from civil interference with ecclesiastical affairs for any congregation to undertake to subject itself to such civil regulation. It is apparent that a majority of the members of the Elkton congregation felt that amid the apathy of the elders and the delay by the Presbytery, some steps must be taken to bring about a resumption of normal congregational government, but such steps must never be taken except by virtue of authority that is solely ecclesiastical.

2. The lawful method of calling and holding a congregational meeting for the election of elders and deacons is by authority given to the Session or the Presbytery, or by the Session upon petition of the majority of the qualified voters in the congregation, in accordance with the provisions of the Form of Government; and no meeting of the congregation can be lawfully called for such purpose by the pastor on his own motion alone.

3. At the time of the meeting held on May 3, 1920, the Elkton Church was legally in charge of the Presbytery of New Castle, and the power of the congregation to elect elders or deacons was suspended. In so holding the Commission does not approve of the delay of the Presbytery in effecting the proper performance of duty by the lawful elders or in bringing about the election of elders who would perform the duties of elders.

The Permanent Judicial Commission is also of the opinion that it was within the power of the Presbytery of New Castle to appoint Mr. W. Sterling Evans as delegate to sit in the Presbytery; but this opinion is based upon the fact that at the time of such appointment the Elkton Church was in charge of the Presbytery and upon the principle that such power of appointment is implied from, or necessarily incident to, the power of the Presbytery to take charge of a church. We do not express any opinion upon the power of a Presbytery to appoint a ruling elder to represent a congregation when such congregation has not been taken in charge by the Presbytery.

It is, therefore, the judgment of the Permanent Judicial Commission that the attempted election of elders and deacons of the Elkton Church on May 3, 1920, was invalid and that the Presbytery did not err in denying to Mr. Gilpin the right to sit in the Presbytery and in seating instead of him Mr. Evans; that the Appeal and Complaint of the Presbytery of New Castle be, and they are hereby sustained; and that the Presbytery of New Castle be directed within thirty days from the receipt of notice of this decision to call a meeting of the members of the Elkton Church for the purpose of taking all measures necessary to bring about the peace and harmony of the church.

The moderator of the Commission, Mr. Arthur L. Jackson, being a member of the Synod of Baltimore, took no part in the hearing and decision of this case.—1921, pp. 134-141.

[Note.—See below, p. 203.]

27. General Assembly failing to review judgment of Permanent Judicial Commission in case of Rev. Percival H. Barker vs. Presbytery of Neosho, said judgment becomes final.

In the matter of the *Appeal* of Rev. Percival H. Barker, against the action of the Presbytery of Neosho, in deposing him from the Gospel ministry, the Permanent Judicial Commission would report as follows:

A trial was had November 1, 1915, before a Judicial Commission appointed by the Presbytery of Neosho, which sustained a charge of lying.

The finding of the Judicial Commission was approved by the Presbytery of Neosho, April 13, 1916.

This case has been before the Assembly for three successive years.

On January 14, 1913, Rev. Percival H. Barker was suspended by the Presbytery of Neosho, from exercising the functions of the gospel ministry, for the term of one year, and on January 20, 1914, by action of the said Presbytery, was deposed from the office of the Gospel ministry. Upon appeal to the General Assembly, the Permanent Judicial Commission, on May 29, 1914, after a full and complete hearing and consideration of the entire Record in the case and after hearing the arguments of the respective parties found:

1. That Mr. Barker was suspended upon insufficient and improper evidence.

2. That he did not violate the provision of the Book of Discipline, Chap. vi, Sec. 41, on the basis of which he was deposed from the ministry of the Presbyterian Church in the U. S. A.

The judgment of the Permanent Judicial Commission was, that the Appeal of the Rev. Percival H. Barker against the Presbytery of Neosho should be sustained, and the action of said Presbytery, on January 14, 1913, suspending said Barker from the exercise of the functions of the Gospel ministry for the term of one year, and the action of the Presbytery in deposing him from the office of the Gospel ministry, on January 20, 1914, were reversed, and the Presbytery was directed to restore the name of said Percival H. Barker to the roll of Presbytery, and to grant a regular certificate of dismissal when so requested by him. (*Minutes*, G. A., 1914, pp. 250, 251.)

The *Minutes* of the General Assembly of 1914 show that when the findings and judgment of the Commission were presented to the Assembly, "the Assembly did not adopt the findings of the Commission, but remanded the case to the Presbytery of Neosho for retrial." No other action was taken by the General Assembly during its session of 1914.

After the adjournment of the General Assembly of 1914, Mr. Barker made a formal request to the clerk of the Presbytery of Neosho to restore his name to the roll, and grant him a certificate of dismissal to the Classis of Newark, of the Reformed Church in America. The request was not complied with. Mr. Barker filed with the Assembly of 1915 his Complaint against the action of the Assembly of 1914.

The Assembly of 1915 referred the Complaint to this Commission "for its interpretation of the action had by the Assembly of 1914, and to take under consideration any further action to be deemed necessary." (*Minutes*, G.A., 1915, p. 112.)

The legal effect of the action of the General Assembly of 1914, in remanding the case to the Presbytery of Neosho for retrial, was presented for determination.

It was made to appear that when the findings and judgment of the Commission were read to the Assembly of 1914, the Assembly took no action thereon, but, without review as required by the Book of Discipline, voted to remand the case for retrial by the Presbytery. The Record was not read, the parties were not heard by the Assembly as required, in order to review a decision of the Judicial Commission.

The question presented was whether the action of the Assembly in remanding the case upon motion, without any other act or proceeding, affected the validity of the findings or judgments of the Commission.

Section 129 of the Book of Discipline provides that the decision of the Commission in any case shall be held to be the preliminary judgment in that case. Section 132 of the Book of Discipline, relating to the review by the Assembly of the judgment of the Commission, provides that "if the case be not reviewed by the General Assembly to which it has been reported, or if it be reviewed and no decision be reached, then at the dissolving of the same, the preliminary judgment of the Permanent Judicial Commission shall be held to be the final judgment of the General Assembly."

The question directly presented to the Commission by the General Assembly of 1915 for decision was, whether the judgment of the Commission has been reviewed by the Assembly of 1914. The Assembly of 1915 defined a review as follows:

"A review, by the General Assembly, of a judicial case heard by the Commission, consists in a hearing and consideration, by the Assembly, of the Record, including the evidence, returned by the inferior judicatory, and the hearing of the parties, after the Assembly has been duly constituted as a court." (Book of Discipline, Sec. 99.)

The above declaration is not a new interpretation of the term "review," but is merely declaratory of the meaning that has always been given by the Assembly and other judicatories to the provision of the Book of Discipline above referred to.

It is clear that the remanding of the case for retrial, without reading the Record and hearing the parties, was not a review of the case by the Assembly. Chap. ix, Sec. 99, of the Book of Discipline, relating to the trial of appeals, directs that the Record in the case from the beginning shall be read, except what may be omitted by consent, and that the parties shall be heard. Nothing of this kind was done by the Assembly of 1914. Section 132 of the Book of Discipline provides that the preliminary judgment of the Judicial Commission in any case may be reviewed by the General Assembly to which it has been reported and may be affirmed, reversed, modified, suspended or remitted for further hearing. If the case *be not reviewed* by the General Assembly to which it has been reported, or if it be reviewed and no decision be reached, then, at the dissolving of the same, the preliminary judgment of the Permanent Judicial Commission shall be held to be the final judgment of the General Assembly.

The judgment of the Commission was not reviewed by the General Assembly of 1914, and upon the adjournment of the Assembly of 1914, without a review, the preliminary judgment of the Judicial Commission became the final judgment of the General Assembly and passed beyond the control of any future Assembly.

The case involves no conflict in the jurisdiction of the Permanent Judicial Commission and the General Assembly. Neither does it involve any question of the right or power of the General Assembly to reverse, modify or suspend the judgment of the Commission. This power must be conceded. It has been reserved to the Assembly beyond question. But the question involved in this proceeding is the manner in which such change, modification or suspension of the judgment of the Commission may be effected by the Assembly. It involves not the power, but the manner of exercising the power. The General Assembly is invested with the supreme judicial, as well as the highest legislative and executive functions. Its functions have often been compared to those of the Federal Government, the difference being that in the Federal Government the executive, legislative and judicial functions are vested in three separate bodies, while in the Presbyterian Church in the U. S. A. these functions are vested in a single body. But when the Assembly sits for the hearing of a judicial case, or when it sits to consider the findings and judgment of the Judicial Commission, it must be constituted by the Moderator as a court, and in all its deliberations, in such cases, exercises only judicial functions. It lays aside for the time, legislative and executive authority, and sits only as a court for the hearing of a judicial case. When the Assembly sits for the review of the judgment of the Judicial Commission, it must hear and consider the same Record upon which the judgment is based, and hear the parties through their counsel, if they so desire; and in such hearings the proceedings must conform to the requirements of the Constitution.

Notwithstanding the interpretation which the General Assembly had placed upon the provision of the Book of Discipline respecting the necessity of a review before the judgment of the Commission can be affirmed, reversed, modified, suspended or remitted, it nevertheless, without any review, in 1915, directed the Presbytery of Neosho to proceed in the case of Barker in accordance with the direction of the Assembly of 1914.

On November 1, 1915, a Judicial Commission appointed by the Presbytery of Neosho proceeded with the trial of Mr. Barker. He was not present, either personally or by his counsel, and the Commission appointed counsel for him, evidence was introduced and he was again found guilty and deposed from the Gospel ministry. The present Appeal calls in question the action of the Presbytery, which afterwards, on April 13, 1916, approved the judgment of its Commission. One of the special grounds for appeal is stated as follows:

"That appellant was acquitted by the Judicial Commission sitting with the General Assembly of 1914; that said decision was not therein reviewed by the said General Assembly and has never since been reviewed and that the proceedings against Mr. Barker were terminated on the adjournment of the General Assembly of 1914."

The Permanent Judicial Commission unanimously agree that this assignment of error should be sustained, as the judgment of reversal of the Commission in 1914, not having been reviewed, became, and now is, the final judgment of the Assembly, and therefore all subsequent proceedings are void.

This decision does not rest upon a mere technical objection. On the contrary, when the case was before the Permanent Judicial Commission in 1914, it was exhaustively reviewed upon its merits, and evidence was examined, the parties were heard, and the judgment then rendered is still in full force and effect. The Appeal of the Rev. Percival H. Barker is therefore sustained and the Presbytery of Neosho is hereby directed to carry the judgment of 1914 into effect.—1916, pp. 132-136.

[Note.—See above, p. 190.]

28. Judicial Case No. 4—Presbytery of New Castle vs. Synod of Baltimore, Petition of Rev. John McElmoyle, D. D., for review.

The *Petition* of Rev. John McElmoyle, D.D., the former pastor of the Elkton, Md., Presbyterian Church, presents an Appeal for a review and revision of the decision of the General Assembly of 1921 adopting the Report of the Judicial Commission in *Judicial Case No. 3, Part A.* In that decision the action of the Presbytery of New Castle in dissolving the pastoral relation between the Rev. John McElmoyle, D. D., and the Elkton Presbyterian Church was affirmed.

Opinion.

We have very carefully considered said Petition for review and revision. We are of the opinion that inasmuch as in a later and supplemental Petition Dr. McElmoyle sets forth the fact that he has accepted the dissolution of the pastoral relation and has been dismissed, at his request, to another Presbytery, there is no need to reopen the case decided in 1921. But we gladly proceed to explain further the grounds upon which the judgment in that case was based. In our opinion the evidence showed such a state of feeling that the Presbytery was warranted in dissolving the pastoral relation; yet we recited with emphasis that there was no charge of an offense against Dr. McElmoyle, and that his ecclesiastical standing as a minister in the Presbyterian Church in the United States of America was not affected by that proceeding. We did not find that he had been guilty of conduct that would justify a denial to him of the right and privilege of further enjoying his good standing and pursuing his ministry in the Presbyterian Church. The statement in the opinion rendered in 1921 to which Dr. McElmoyle takes special exceptions referred to certain matters which produced an impression upon the public that was unfortunate. We took notice of this situation only as it affected the question of the advisability of continuing the pastoral relation. Having only appellate jurisdiction, we sought only to discover whether or not there was evidence to support the action of the Presbytery in dissolving the pastoral relation. We did not think that the Presbytery had abused its discretion; and on the other hand, we did not cast aspersion upon the character of Dr. McElmoyle nor was any such aspersion intended.

We therefore reaffirm our former declaration that no charges of any offense have been made against Dr. John McElmoyle; that he is a minister in good standing in the Presbyterian Church in the United States of America. We find that he is lawfully entitled to accept and hold the position of pastor of any church to which he may be called.

It is, therefore, the judgment of the Permanent Judicial Commission that said decision of 1921 be not reviewed and revised.—1922, p. 226.

[NOTE.—See above, p. 195.]

VII. MISCELLANEOUS QUESTIONS PERTAINING TO MINISTERS AND CHURCHES.

1. Ministers who neglect their duty to be summoned to answer.

Inasmuch as Mr. Stevenson has from time to time, and for years past, neglected attending on our judicatures, and also omitted his ministry without giving us any reasons for his said conduct, it is therefore agreed that his name shall be struck out of our Records till he come before us and give an account of his proceedings.—1741, p. 156.

2. If persistent to be regularly excluded or deposed.

That if any minister of the Gospel, through a worldly spirit, a disrelish for the duties of his office, or any other criminal motive, become negligent or careless, he is by no means to be suffered to pursue this course so as at length to be permitted to lay aside the ministry without censure, because this would be to encourage a disregard of the most solemn obligations by opening a way to escape from them with impunity.

But in all such cases Presbyteries are seasonably to use the means and pursue the methods pointed out in the Word of God and the rules of this Church to recall their offending brother to a sense of duty; and if all their endeavors be ineffectual, they are at length regularly to exclude or depose him from his office.

If any cases or questions relative to this subject arise in Presbyteries which are not contemplated by the provisions of this rule, such cases or questions should be referred to the General Assembly for a special decision.—1802, p. 259.

3. Presbyteries to inspect the fidelity of their members.

The Constitutional remedy for these evils is in the hands of the Presbytery, to whom it belongs to ordain, install, remove and *judge* ministers (see Form of Government, Chap. x, Sec. viii [now vii]); and whose duty it is to inspect the fidelity of those whom they have solemnly set apart to the work of the ministry by the imposition of hands.—1834, p. 450.

4. Reasons for withdrawal to be required and recorded.

That when ministers have withdrawn, or may hereafter withdraw, from the work of the ministry, wholly or in part, it be enjoined upon the Presbyteries to which they belong to require of such ministers their reasons for so doing, which reasons are to be put upon record by the Presbytery, with an expression of their approbation or disapprobation of the same.—1834, p. 450.

5. Compliance with the rule of 1834 enforced.

1. That the attention of the Synods be called to the rule adopted by the General Assembly of 1834. (*Minutes*, p. 450.)

2. That the Synods be required at their next regular meeting to obtain replies from their several Presbyteries to the two following questions, namely:

(1) Whether the above recited rule of the Assembly of 1834 has been observed by the Presbytery.

(2) Whether proper discipline has been exercised, in cases where the reasons for withdrawal from ministerial duty have been disapproved by the Presbytery; and also in cases of habitual absence from the meetings of the Presbytery without the rendering of sufficient excuse.—1869, p. 263, N. S.

6. Ministers engaged in secular callings.

From the Presbytery of Elizabethtown, asking the Assembly, "for the relief of our Minutes, our ecclesiastical courts, and our ministerial name, to define whether a minister who turns aside from his calling, not from bad health or moral delinquency, to some secular employment, should demit the sacred office, or be denied the full immunities of the Presbytery."

Resolved, 1. That the former deliverances of the Assembly on that subject, to wit, in the years 1802, 1834 and 1839 are sufficient.

Resolved, 2. That the Presbyteries be enjoined to execute the rule of the Assembly of 1834, as to any members "who have withdrawn in whole or in part, without justifiable cause, from the work of the ministry."—1869, pp. 935, 936, O. S.

[NOTE.—See this *Digest*, Book of Discipline, Chap. vii, Sec. 54.]

7. When providentially incapacitated ministerial privileges remain.

Resolved, That it is a principle of this Church that no minister of the Gospel can be regularly divested of his office, except by a course of discipline, terminating in his deposition; that if any minister, by providential circumstances, become incapable of exercising his ministerial functions, or is called to suspend them, or to exercise them only occasionally, he is still to be considered as possessing the ministerial character and privileges; and his brethren of the Presbytery are to inspect his conduct; and while they treat him with all due tenderness and sympathy, they are to be careful that he do not neglect ministerial duty beyond what his circumstances render unavoidable.—1802, p. 258.

8. Ministers without charge are constituent members of Presbytery.

[NOTE.—See this *Digest*, under Form of Government, Chap. x, Sec. ii, p. 138.]

9. All ministers are of equal power and privilege.

In reply to an Overture in relation to the right of ministers, not engaged in the ministerial work, to sit in church courts, the Assembly answers:

According to the Constitution of our Church, ministers, as such, whether with or without charge, are of equal power and privilege. If the defection of any minister from the duties implied in his ordination vows is serious enough to disfranchise him, it is sufficiently serious to call for the orderly exercise of discipline. The remedy, therefore, for the evil complained of lies with the Presbyteries, and cannot be reached by any action of the Assembly. Touching the alleged inequality between the ministers and the elders in our judicatories, it need only be remarked that the number of vacant churches in a growing land like this greatly exceeds the number of unemployed ministers, and in the Church at large the elders could at any time obtain a large majority, if disposed so to do. Apprehending no danger in this direction, and recognizing no antagonism between the teaching and the ruling elders in the Church, this Assembly sees no reason for special action in the case, leaving the Presbyteries in our large cities, where ministers without charge are prone to collect, to deal with them in an orderly manner as their wisdom may suggest.—1859, p. 533, O. S.

10. May a minister hold a civil office?

The Committee to whom was referred the communication from the Presbytery of Ohio respecting the Rev. Boyd Mercer and his letter to the Moderator of the Assembly, exhibited their Report.

The Report, having been read and amended, was adopted, and is as follows, viz.:

With respect to the abstract question, whether the tenure of a civil office be or be not incompatible with that of the holy ministry, the Assembly is of the opinion that there is nothing in the Holy Scriptures, or in the Constitution, acts or proceedings of the Presbyterian Church in these United States, expressly prohibitory of such union of offices.

With respect to the particular case referred to their consideration, as Mr. Mercer in his letter expressly asserts that it is not his intention to decline the office of the holy ministry, and that he was led to devote himself for the present to the functions of an associate judge by a state of health so infirm as to interrupt the regular discharge of his public duties as a minister of religion, your Committee are of opinion that the Presbytery of Ohio ought not to censure him unless there be some circumstances in the case unknown to the Assembly.

That none, however, may so far misconstrue these sentiments as to persuade themselves that they countenance a covetous, ambitious spirit, your Committee further beg leave to suggest the propriety of cautioning your clergy against worldly-mindedness; of exhorting them not to aspire after places of emolument or civil distinction; of reminding them that the cure of souls is their peculiar business, and that they who serve at the altar ought, as far as possible, to avoid temporal avocations.—1806. p. 363; reaffirmed, 1808, p. 399.

11. He may hold the office of chaplain in the army or navy.

a. Application was made to Synod by Mr. Beatty, desiring to know their mind with respect to his going as chaplain to the forces that may be raised in the Province of Pennsylvania, if he shall by the Government be called to that service. The Synod do judge it to be his duty.—1756, p. 275.

b. Application having been made to Mr. Beatty by Colonel Armstrong to serve as chaplain to the first battalion of the Pennsylvania Provincials for the ensuing campaign, he requested the advice and judgment of this Synod with respect to his duty therein. The Synod do unanimously agree that it is his duty to go.—1758, p. 282.

c. 'Tis allowed that Messrs. Alexander McDowel and Hector Allison go as chaplains to the Pennsylvania forces, and that Mr. Kirkpatrick go with the New Jersey forces, the ensuing campaign.—1760, p. 302.

d. The First Philadelphia Presbytery report that they have ordained Mr. Israel Evans and Mr. William Lynn to qualify them to act as chaplains in the army to which they had been appointed.—1776, p. 472.

e. Also ordained Mr. Robert Keith to qualify him to act as a chaplain in the army.—1777, p. 477.

f. A Reference from the Presbytery of Philadelphia on the propriety of their ordaining to the work of the Gospel ministry a licentiate under their care who now holds the office of a chaplain in the navy of the United States was considered, whereupon the Assembly

Resolved, That this judicature of the Presbyterian Church feels a deep and lively interest in the spiritual welfare of the mariners of this country and especially of those who are engaged in the naval service of our Union; and that the Assembly therefore will rejoice if any Presbytery under its care has the opportunity of ordaining any well-qualified persons, men of piety and learning, with a view to their rendering permanent ministerial services to large congregations of our fellow citizens who dwell in ships-of-war.—1826, p. 171. (See Report of Special Committee on Chaplains, Min. 1922, pp. 65–68.)

12. Has a minister the right to surrender his credentials to his Presbytery?

The Red River Presbytery propounded the following questions: Has a minister the right to surrender his credentials to his Presbytery? And does the Presbytery, by accepting, annul all his ministerial functions, there being no charge which can be brought against said minister?

Answered in the affirmative.—1872, p. 20, C. P. (See pp. 591–595.)

13. Demission of the ministry now permitted.

[Note.—See *Digest* of 1886, pp. 165–168. The sentiment of the Assembly was uniformly against allowing a minister to demit the ministry. See *Minutes*, 1802, p. 258; 1858, p. 299; 1859, p. 532, O. S., when an Overture providing for the demission of the ministry was rejected: Affirmative, 24 Presbyteries; negative, 84 Presbyteries.

In 1860 the Assembly, N.S., adopted a full Minute on the demission of the ministry. *Minutes*, pp. 234–236, N. S. See *Digest* of 1886, pp. 166–168.

In the Assembly of 1871 an Overture on the demission of the ministry was committed to Rev. Drs. Z. M. Humphrey, Charles Hodge, Henry B. Smith, George W. Musgrave and Elijah R. Craven, to report to the next Assembly, p. 590. For the Report and Overture, see *Minutes*, 1872, pp. 46–50. The Overture was rejected: Affirmative, 45 Presbyteries; negative, 65; not voting, 69.—1873, p. 526.

These decisions and deliverances are annulled by Book of Discipline, Sec. 52.]

See 12, above, C. P. *Minutes*, 1872, p. 20.

14. Ministers who withdraw from Presbytery and unite with another denomination stricken from the roll.

a. The Committee on the reference from the Chenango Presbytery in the case of the Rev. Edward Andrews, made the following Report, which was adopted, viz.:

Resolved, As the sense of this Assembly, that though the conduct of Mr. Andrews was disorderly, it be recommended to the Presbytery to do nothing further in the case than simply to strike his name from the list of their members.—1828, p. 240.

[Note.—Mr. Andrews had withdrawn to the Episcopal Church and been reordained.]

b. *Resolved*, That when a minister otherwise in good standing gives notice in form to the Presbytery to which he belongs that he renounces the fellowship of the Presbyterian Church, or by neglecting to attend the meetings of its judicatories, after being dealt with for such neglect, gives evidence that he has done so in fact, his name ought to be struck from the roll of its members, a notice of this procedure communicated to the disowned member, and if necessary published to the Church.

The congregation under the care of such minister ought to be held as still under the care of Presbytery unless they give evidence that they also have been withdrawn, in which case their name ought also to be struck from the list of congregations belonging to the Presbytery.—1830, p. 305.

c. *Resolved*, That it be recommended to the majorities of Presbyteries and church Sessions to take no other action in relation to members who have left them to join other ecclesiastical bodies not in connection with us than to strike their names from the roll.—1839, p. 24, N. S.; 1879, p. 613.

d. *Overture No. 5*, from the Second Presbytery of New York, asking the direction of the Assembly as to the action to be taken by Presbytery in the case of a member who, without previous conference with his co-presbyters, or without receiving a certificate of dismission, leaves the Presbytery, and abandons the ministry of the Presbyterian Church. The Committee recommend to the Assembly the adoption of the following resolution as an answer to the request of the Presbytery:

Resolved, That in such cases as that presented in the Overture, the Presbytery ought simply to erase the name of the minister from the roll, provided he leaves the Church without being chargeable with fundamental error in doctrine or immorality of life.—1854, p. 17, O. S.

[Note.—See this *Digest*, Book of Discipline, Chap. vii, Sec. 54.]

15. Names of church members and ministers who withdraw irregularly to be stricken from the roll under specified circumstances.

Overture from the Presbytery of Elizabeth asking, "What is the duty of the Session in regard to a church member who has united with another denomination without having previously given any notice to the Session of such purpose?"

The Committee recommends that this inquiry be answered by referring to the action of the General Assembly (N. S.) of 1839, as found in Moore's *Digest*, 1886, p. 169; and also to the action of the General Assembly of 1828, with reference to ministers who withdraw from the Presbytery and unite with another denomination, as found on the same page of the *Digest*.—1879, p. 613; 1880, p. 45.

[Note.—See this *Digest*, Book of Discipline, Chap. vii, Secs. 53, 54.]

16. Duty of Presbytery in case of members who do not report.

a. *Overture* from the Presbytery of Boston with reference to absentees of whose whereabouts the Presbytery knows nothing, or who absenting themselves from year to year, give no heed to the communications of the Presbytery. As to the former class, the Committee recommend that their names be retained on the roll till some knowledge can be obtained of such brethren; as to the latter class, that a process of discipline be entered upon for violation of ordination engagements to be subject to their brethren in the Lord.—1876, p. 80; 1885, p. 604.

b. *Overture* from the Presbytery of Pueblo, asking whether the rule which forbids the granting of a letter to a member of a church who has been absent from all meetings and services of said church for two years without satisfactory explanations, applies also in principle to a minister in his relation to a Presbytery.

Your Committee answer this inquiry in the negative, and would recommend that each Presbytery is competent to decide each particular case on its own merits.—1883, p. 626.

[NOTE.—See this *Digest*, Book of Discipline, Chap. xii, Sec. 116.]

17. Authority for taking from the roll the names of ministers serving churches in other denominations.

A Request, from the Presbytery of Westchester, that the Assembly shall define the authority of Presbyteries in regard to taking from the roll the names of ministers serving churches in other denominations. The Committee recommend the adoption of the following:

Since the adoption of the Revised Book of Discipline, especially Sec. 53, Chap. vii, a Presbytery has no authority to take a minister's name from the roll without his consent, except by discipline, unless he has said or done something which either recognizes some other ecclesiastical jurisdiction over him or declares his independence. Presbyteries should, however, by correspondence, urge those who have identified themselves with other denominations to take regular dismissions. Ministers of our own Church ought to connect themselves with those Presbyteries within which is located either their field of labor or their residence, unless very special and unusual reasons exist to the contrary.—1885, p. 604.

[NOTE.—See this *Digest*, Book of Discipline, Chap. vii, Secs. 52, 54.]

18. Leave given to erase name of missing minister.

Overture No. 236, from the Presbytery of New Albany, asking leave to erase the name of a missing minister from its roll. "*Whereas* the whereabouts of the Rev. George V. Dickey, a member of this Presbytery have been unknown to us for several years, and whereas we are unable to get into communication with him, we respectfully overture the Assembly asking leave to erase his name from our roll, without prejudice to his ministerial standing." It is recommended that the Overture be answered in the affirmative, and that the name above given be erased from the roll.—1906, p. 195.

19. Minister transferred by the General Assembly from one Presbytery to another.

A Communication from the Rev. H. R. Marsh, M. D., a commissioner to this General Assembly from the Presbytery of Yukon, has been referred to us. In this communication, for reasons therein stated, Dr. Marsh requests that he be transferred, by action of the General Assembly, from the Presbytery of Yukon to the Presbytery of Bloomington. We recommend that this request be granted, and the necessary instructions to make this effective be given to the Presbyteries involved.—1905, p. 208.

20. Ministers transferred directly by General Assembly to other Presbyteries.

In a Paper referred to us, Rev. M. H. Frank requests the Assembly to authorize the transfer of his membership from the Presbytery of Yukon to the Presbytery of Amarillo. It is recommended that the request be granted, and that the Presbytery of Amarillo enroll his name. It is also recommended that the request of Rev. James H. Condit, who has a letter of dismissal from the Presbytery of Sioux City, be granted, and that the Stated Clerk of the Presbytery of Yukon be authorized to enroll his name as a member of that Presbytery. Both these recommendations are on the ground of the exceptional condition of the Yukon Presbytery.—1908, p. 178.

For similar action see *Minutes*, 1914, p. 153.

The moderator of the Presbytery of Yukon, and the Commissioner present from said Presbytery, presented the following request, which was granted by the Assembly, that the Rev. James L. McBride, of the Presbytery of Chicago, be transferred directly by the Assembly to the Presbytery of Yukon. He is located within the bounds of Yukon Presbytery, and this action is necessary in order that there may be a quorum within meeting distance for a meeting this year. The Stated Clerk of the Assembly was directed to notify the Presbyteries in interest of this transfer.—1914, p. 153.

VIII. TO EXAMINE AND APPROVE OR CENSURE CHURCH RECORDS.

1. Presbyteries must review the Records of Sessions.

Whereas, It appeared in the course of the free conversation on religion that in one of the Presbyteries under the care of the General Assembly the Sessional Records of the several church Sessions were not regularly called up and examined every year by the said Presbytery, and there is reason to believe that other Presbyteries had conducted in the same manner, therefore,

Resolved, That it be and it hereby is required of all the Presbyteries within the bounds of the General Assembly annually to call up and examine the Sessional Records of the several churches under their care, as directed in the Book of Discipline.—1809, p. 429; 1810, p. 453.

[Note.—See this *Digest*, Form of Government, Chap. ix, Sec. viii.]

IX. TO RESOLVE QUESTIONS OF DOCTRINE OR DISCIPLINE.

X. TO CONDEMN ERRONEOUS OPINIONS.

[Note.—See above under Chap. viii, Sec. ii (2), p. 95.]

XI. TO VISIT PARTICULAR CHURCHES, TO INQUIRE AND REDRESS.

1. Overture on the right of a church to dismiss its elders; to deny the right of appeal and to deny the authority of the Presbytery.

The Committee on the Polity of the Church, to whom was referred the *Overture*—When a church shall dismiss its ruling elders, and deny to its members the right of appeal and complaint, and deny the authority of

Presbytery over it, has it a right to be represented in the judicatories of our Church?—reported as follows:

Our Church is organized on Constitutional principles, with powers and duties appropriate to each branch or part thereof; and with a gradation of subordinate and superior judicatories, designed to preserve unity of doctrine, and orderly discipline, according to the Scriptures.

This Constitution does not recognize a right of revolution, and makes no provision therefor; but treats all such cases simply as breaches of order, and visits them with appropriate Constitutional remedies. Any individual church is represented in the Church judicatories Constitutionally only by the pastor or an elder, one or both; and it can find admission into such judicatories only through such a mode of representation.

The Overture supposes three cases: (1) a dismissal of elders; (2) a denial of the right of appeal and complaint; and (3) a denial of the authority of the Presbytery.

Each of these is an unconstitutional act, is utterly null and void, and subjects the offending church to visitation and discipline at the hands of the Presbytery. The Form of Government, Chap. x, Sec. viii, empowers the Presbytery "to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them; to unite or divide congregations, at the request of the people; or to form or receive new congregations; and, in general, to order whatever pertains to the spiritual welfare of the churches under their care."

The above-named acts of insubordination, being void, work no effect; the Session have still the right, and it is their duty, to send one of the elders to the Presbytery and the Synod; and his votes and acts in these bodies are the votes and the acts of the church. So, too, the Presbytery may send any one of such elders to the General Assembly; and should such church refuse obedience to the acts of the judicatories so constituted, it would be subject to the discipline, in due form, of our ecclesiastical law. Such church has a right to be represented by *elders*, and it cannot pass by them and substitute a *private member* as its representative. A void act of deposition, or dismission of its elders, does not incapacitate the church. In sending one of its dismissed elders to the Presbytery or the Synod, it disaffirms its illegal act, and that is an end of it; and if it should send a delegate, not an elder, he could not be received; and the church would be simply unrepresented (except by the pastor), *pro hac vice;* but the church is still under the care of the Presbytery, and subject to its government. The bond of union, which was formed by mutual and concurrent consent and act, cannot be dissolved by an *ex parte* act of insubordination or revolution, until the other party has acted thereon. The Committee, therefore, recommend the following answer to the Overture:

Resolved, That the acts of insubordination, specified in the Overture, do not, of themselves, infer a forfeiture of the church's right to be represented in the Church judicatories; but such representation must be in the mode, and by the persons specified in the Constitution of the Church.—1860, pp. 260, 261, N. S.

2. Unconstitutional acts of a portion of a church are void.

Where one portion of a church connected with, and under the jurisdiction of, the Presbytery, denies the jurisdiction and authority of the

Presbytery and every other body, and all right to review its proceedings, and the right of appeal to the Presbytery, and declare their determination so to continue; and the other portion of such church declare to the Presbytery their wish to continue their connection with the Presbytery as heretofore, instead of setting up as an independent church, what is the duty of the Presbytery toward that portion who remain faithful to such jurisdiction?

And recommended the following answer: That in the judgment of the Assembly, the Report on the subject last year (see *Minutes*, pp. 260, 261) implies that the church sustains the same relation to the Presbytery as before the denial of its jurisdiction; and that the delegate of the church is entitled to a seat in the Presbytery, as in years previous to the act aforesaid.—1861, p. 478, N. S.

3. Presbytery may, without petition, direct an elder to cease acting.

Overture from the Session of the Presbyterian church at Ironton, Mo., in reference to the power of the Presbytery to declare that a member of the Session shall cease to be an acting elder, without request from the Session, or any members of the church.

The Committee would recommend the following answer (see Form of Government, Chap. x, Sec. viii [now vii]): Presbytery has power to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them, and to order whatever pertains to their spiritual welfare, without being requested by the Session.—1869,p. 924, O. S.

[NOTE.—See below, Form of Government, Chap. xiii, Sec. vii.]

4. A church may not withdraw without consent of Presbytery.

a. From the Presbytery of Bloomington, asking, Has any church, or any part of a church in our connection, the Constitutional right to withdraw from a Presbytery without its consent, and to unite with another body? Answered in the negative.—1866, p. 54, O. S.

b. From the Presbytery of Iowa City: Can a Presbyterian church, under the care of a Presbytery, withdraw regularly without first asking consent and leave of the Presbytery?

We unhesitatingly reply that no Presbyterian church, under care of a Presbytery, can withdraw regularly without first asking consent and leave of the Presbytery under whose care and jurisdiction it voluntarily placed itself.—1867, pp. 511, 512, N. S.; confirmed, 1876, p. 80.

c. *Overture.*—A question from the Presbytery of Wisconsin: How shall a church be orderly transferred to another denomination? The Committee recommend the following answer: So far as it is ecclesiastically concerned, it cannot withdraw regularly without first asking consent and leave of the Presbytery under whose care and jurisdiction it voluntarily places itself (see Moore's *Digest*, 1886, p. 172). Questions of property must be determined by the courts of the State.—1876, p. 80.

5. Course to be pursued when a church wishes to withdraw.

Also *Overture No. 4*, from certain members of the Presbytery of Athens, asking "whether it is allowable for a Presbytery and a church under its charge to dissolve their connection by mutual consent, the church retaining its organization and standing as an independent body."

The Committee recommended that the following answer be given:

The only proper method of dissolving the relation between a Presbytery and a church desiring to become an independent body is for such church to withdraw, declining the further jurisdiction of the Presbytery, and the Presbytery to make such a Record of its withdrawal as the character of the action of the withdrawing church requires.—1862, p. 33, N. S.

[NOTE.—See 4, *a*, *b*, *c*, above.]

6. Presbytery may dissolve a church.

a. The *Appeal* and *Complaint* of Smiley Shepherd against the Synod of Illinois. The Report was as follows:

The following facts are stated in the Records of the Presbytery of Bloomington, and are not denied by the complainant: The Second Church of Union Grove in October, 1859, had for about twenty years neither meeting-house, pastor nor stated supply, nor had it submitted, through the whole of that period until 1859, either statistical reports or Sessional Records. It had worshiped regularly with the First Church of Union Grove. In fact, in 1859 it consisted of the complainant and his family alone; but the complainant claimed and exercised the right, as ruling elder, to receive members to his church and to sit and vote in Presbytery and Synod. For about fifteen years the Presbytery had considered the church as without even a nominal existence, having in 1841 dropped it from the roll, and it was not restored to the roll till 1856, and then only with a view of having it regularly united with the First Church of Union Grove. On the 11th of October, 1859, Presbytery dissolved the said Second Church, and directed the Stated Clerk to furnish its members with the usual certificates to some other Presbyterian church.

Against this proceeding Mr. Shepherd appealed, and complained to the Synod of Illinois, but his Complaint was not sustained. He now appeals and complains to the General Assembly.

He does not deny the facts as stated by the Presbytery, but alleges that both Presbytery and Synod were guilty of certain gross irregularities and an arbitrary use of power in the proceeding. But the Papers do not contain evidence sustaining these allegations. There is no testimony of any kind filed with these Papers. It is impossible for the Assembly to determine from the Record whether the power of the Presbytery was discreetly exercised. The Committee therefore recommend that the Appeal and Complaint be dismissed.—1862, p. 36, O. S.

[NOTE.—The action of the Presbytery was sustained.]

b. *Overture*, from the Presbytery of Council Bluffs, asking:

1. Has the Presbytery the power, under any circumstances, to dissolve a church organization?

2. When a church becomes greatly reduced in numbers, and its existence is made unnecessary by the new organization of Presbyterian churches in more favorable localities, to which a majority of its members have removed, has the Presbytery power to dissolve such a church organization, overruling the wishes of a majority of the members of said church organization?

3. Is this power of the Presbytery subject to reversal by the higher courts on any other ground than that of injudicious exercise?

The Committee recommend that the Overture be answered by a reference to the case of Shepherd *vs.* The Presbytery of Bloomington (Moore's *Digest*, 1886, p. 172, Sec. 48).—1875, p. 507.

7. Dissolution is in the discretion of the Presbytery, subject to appeal.

A Memorial to the General Assembly, signed by a number of its ministers and elders, asking an answer to the following questions: Whether, under the Constitution of the Presbyterian Church, a Presbytery has the power to dissolve a Presbyterian church, regularly constituted with a Session, communicants and trustees, supporting the preaching of the Gospel, no formal charges made against the church, and yet acting against the wishes of the Session and congregation, or rather while they are protesting against such action?

The Committee recommended the following reply:

1. A Presbytery, in the exercise of the powers given it by Sec. viii, Chap. x, of our Form of Government, must be its own judge as to the causes that are sufficient to justify it in dissolving any church in its connection (see *Digest*, 1886, p. 172).

2. If any wrong is done to a church by such a Presbyterial act its remedy is to be found in an appeal to a higher judicatory.—1879, p. 615.

8. Presbytery may discipline a congregation.

"The Presbytery has the right to cut off any congregation under its control, and deprive it of Presbyterial representation when such congregation has been guilty of such offense as, in the judgment of the Presbytery, may justify such action."—1869, p. 34, C. P.

9. Presbytery may dissolve Sessions, and divide societies.

"The Presbytery has power to send a Committee to confer with Sessions where difficulties exist, and to settle them if practicable; if, however, such difficulties cannot be removed, Presbytery may dissolve such Sessions, and divide the societies, attaching to the most convenient congregations, the Sessions of which may deal with offending members."—1842, pp. 40, 41 (MSS.) C. P.

10. The church must have notice of the proposed dissolution.

[The Presbytery of Philadelphia North dissolved the Hermon Church. On Complaint, the Assembly reversed the Synod and the Presbytery, on the ground that the church had not had notice (see Book of Discipline, Chap. ix, Sec. 99, Subsec. 4, p. 703, b). The Presbytery, after due notice, again dissolved the church, and its action was brought by Complaint before the Assembly.]

The Judicial Commission, appointed on *Case No. 1*, submitted the following Report, which was ordered to be recorded as the judgment of the Assembly:

The Judicial Commission to whom was referred *Judicial Case No. 1*, being an Appeal of Addison Bancroft and R. W. Stewart, ruling elders in the Hermon Presbyterian Church, Frankford, Pa., from an action of the Synod of Philadelphia, present the following Report:

The appellants appealed from the action of the Presbytery of Philadelphia North in dissolving the Hermon Church, and deciding the field occupied by it a mission station under the care of the Presbytery. The Synod of Philadelphia, at its stated meeting at Chester, Pa., October 19, 1877, sustained the action of the Presbytery; whereupon the appellants brought their Appeal from said action of the Synod to this General Assembly; and the case having been, by consent of parties, referred by the General Assembly to this Commission for hearing and decision, and the Commission having thereupon proceeded to issue the Appeal under the order prescribed by the Judicial Committee of General Assembly, and having fully heard the original parties and the members of the inferior judicatory, decided that the said Appeal from the Synod of Philadelphia be not sustained, and for the following reason: It appears from the *Minutes* of the General Assembly of 1877 that this case was brought before said Assembly upon its merits, and that the action of the Synod of Philadelphia and of the Presbytery of Philadelphia North, in the premises, was by the General Assembly reversed, for the reason that Hermon Church had no previous notice of the contemplated action of the Presbytery in dissolving the church, while at the same time regret is expressed as to the necessity of reversing the decision of the Synod of Philadelphia upon a ground which may seem merely technical; whereupon the Presbytery of Philadelphia North did, at a regularly called meeting on June 15, 1877, proceed anew in the whole matter, and, having served proper notice upon Hermon Church of its purpose to dissolve said church, did dissolve it. After a full hearing of the case, this Commission is satisfied that the Presbytery of Philadelphia North was fully justified by the facts and by our Form of Government in the action then taken; and that the Synod of Philadelphia was fully justified in sustaining the Presbytery in its action. —1878, p. 41.

11. Judicial decision upholding right of Presbytery to relieve elders of exercise of their office, and to dissolve church.

The Permanent Judicial Commission, to which was transmitted for hearing and decision the matter of the *Complaint* of John E. Heartt and others against the Synod of New York, hereby report that they have had a hearing, in which both the complainants and respondents were represented and heard at length, each party being given four hours and fifteen minutes, and, after careful consideration of each and every specification in said Complaint, report herewith their decision thereon as the judgment herein, and find as follows, to wit:

That none of the said specifications be sustained, and that the case be dismissed.

The Complaint is lodged against the action of the Synod of New York in sustaining the action of the Presbytery of New York:

1. In relieving from the exercise of their office as elders therein four of the elders of the Westminster Presbyterian Church of West Twenty-third Street, New York City, namely, Messrs. E. H. Slocum, J. E. Heartt, J. D. Cluss and William H. Pittinger, until such time as the Presbytery shall give them permission to resume the same.

2. In dissolving the said church and congregation.

3. In requesting and authorizing the trustees of the Presbytery of New York to take charge of the property belonging to the said church, and to conserve and hold the same subject to the order and direction of Presbytery.

4. In requesting the Committee on Church Extension to continue religious services in the building of "the late Westminster Church of West Twenty-third Street," aforesaid, with power to employ a minister therefor, and to make arrangements with said trustees which would enable them to carry out the same.

It is complained that all of said action of Presbytery is in violation of the Constitution of the Church; that Presbytery had no power to relieve elders from the exercise of their office, even temporarily, except by judicial process; that Presbytery has no power to dissolve a church or congregation without the consent of its members; and that the action of the Presbytery in taking charge of and directing the conservation and use of the church property was usurpation of the property rights of said Westminster Church, and of the congregation thereof, under said Constitution.

I. In respect to the course of Presbytery in relieving certain elders from the exercise of their office in this church, the Commission is of the opinion that the act complained of was purely an administrative act, wholly within the power and direction of Presbytery. It was not a judicial act, directed chiefly toward the delinquency of offenders and intended to terminate upon them in a judgment. Had it been so, it must have originated in the case of elders before the Session of the church. On the other hand, their act was of the nature of episcopal visitation and control, and primarily directed toward the pacification of a church then and for a long time theretofore in a state of internal dissension. Neither does it appear that the Presbytery resorted to this course until, after repeated endeavors to remedy evils that had become intolerable, it was considered that nothing less would do. In the Form of Government, Chap. x, Sec. viii (1908), the powers of Presbytery are defined as including the power "to visit particular churches for the purpose of inquiring into their state and redressing the evils that may have arisen in them, . . . and in general to order whatever pertains to the spiritual welfare of the churches under their care." This must be construed as embracing the interests of all the churches in a Presbytery, so far as the disturbances in a single church affect all of them. Upon the showing of the facts in this case, it appears that the condition of Westminster Church had become such as to jeopardize the interests of religion beyond, as well as within, the bounds of its own parish. In such a case it was not only the right, but became the duty of Presbytery to exercise its prescribed discretionary powers in some such way as it did. Under the circumstances of the case, and under the Record as presented to us, we are not prepared to say that these elders did not have sufficient notice, or that there was any action of Presbytery in relieving them temporarily from the exercise of their office in Westminster Church that would entitle them to have their Complaint sustained. The decision of this point, however, is immaterial in this case, since we hold that other action of Presbytery, taken two months thereafter, in dissolving the church, relieved these and all elders of that church from the discharge of their duties to the same. *Digest*, 1907, p. 214 (O. S., 1869, p. 924); *Digest*, 1907, p. 538 (O. S., 1869, p. 924).

II. As to the action of the Presbytery in dissolving the church and congregation, we hold that Presbytery has full power so to do as an administrative act under the provision of Chap. x, Sec. viii, Form of Government (1908 edition); that it has power to do so without consent or request of the members of such church. Bancroft *vs*. Synod of Philadelphia, *Digest*, 1907, p. 217 (1878, p. 41).

It appears that the Moderator's council of the Presbytery of New York, under the authority of the Presbytery, held a meeting called to suit the convenience of the officers of the church, of which officers and members of the church were notified, and at which a large number of them were present. The meeting considered the proposed dissolution, and thereupon the Moderator's council reported to Presbytery and recommended the dissolution of the church. It appears that this action was proposed only after the dissension and troubles in the church had been of long standing, and every other means of solution had been tried and failed. It also appears that Presbytery caused due notice to be given to the congregation, at the regular Sabbath services, on two Sundays prior thereto, that Presbytery would take final action on such proposed dissolution at a meeting of Presbytery that had been duly called for that purpose, to be held in the chapel of the church on March 17. That on the evening of March 16 a meeting of the congregation was held, at which forty-seven members voted in favor of dissolution, and the same number against it; that at the meeting of Presbytery on March 17, members of the church were given opportunity to present their views. Presbytery took action thereupon in the following language: "That said church and congregation be dissolved, and we therefore declare that the same be and hereby is dissolved, to take effect from this date." The Stated Clerk was also directed to issue to the members of the church letters of dismission to such other churches as said members might severally request.

It appears that Presbytery acted in the premises with great forbearance. There is no evidence of the use of arbitrary power by the Presbytery, as charged by complainant. We are of the opinion that Presbytery must be its own judge of the causes that are sufficient to justify it in dissolving a church, and that, unless the power has manifestly been abused, the action of Presbytery thereon is binding on all parties concerned and should not be reversed by a higher judicatory. In this case the action of Presbytery was Constitutional and thereby the dissolution was regularly effected. The church and congregation ceased to exist as an ecclesiastical body, and its elders were necessarily relieved from the discharge of official duties. Shepherd *vs*. Synod of Illinois, *Digest*, 1907, p. 215 (1875, p. 507); *Digest*, 1907, p. 216 (1875, p. 507; also 1879, p. 615). Bancroft *vs*. Synod of Philadelphia, *Digest*, 1907, p. 216 (1878, p. 41).

III. Presbytery having so dissolved the Westminster Church, it became its duty to take charge of and direct the conservation of the church property, which it could very properly do through the incorporated body styled The Trustees of the Presbytery of New York, as well as to direct said trustees to hold the funds of that church, subject to the order of Presbytery as the ecclesiastical judicatory having jurisdiction thereof. It was likewise within the authority of Presbytery to take charge of and direct such religious services as might thereafter seem advisable to hold in the church building.

IV. There was also referred to the Permanent Judicial Commission, for like hearing and decision, the matter of the Complaint of the same parties against the Presbytery of New York, complaining against the action of Presbytery in thereafter organizing a new Presbyterian Church, subject to its jurisdiction, under the name of the "West Twenty-third Street Presbyterian Church of New York City"; recognizing such new church, in the language of Presbytery, "as the successor of the Westminster Church of West Twenty-third Street, without at this time passing upon any of the questions concerning the control of or title to the property of the late Westminster Church of West Twenty-third Street."

It is complained that thereupon such new congregation was allowed the use of the church building in which to worship and conduct its service, and that it has so continued in the use thereof. One of the specific powers of Presbytery is "To form or receive new congregations." Form of Government, Chap. x, Sec. viii (edition 1908). The former organization having been regularly dissolved, as we have held, it was appropriate and lawful that the Presbytery should organize and receive a new congregation within the bounds of the same district or parish, to worship in that church building; indeed, it appears that such was the purpose of Presbytery at the time of the dissolution of the former congregation. We find that Presbytery acted properly in the premises.

It is therefore the judgment of the Permanent Judicial Commission that the specifications on this Complaint be not sustained, and that the case be dismissed, and the Commission so finds.—1909, pp. 194-197.

XII. TO ORGANIZE, UNITE AND DIVIDE CHURCHES.

1. The organizing of churches belongs to Presbytery.

Is a minister of the Gospel in our connection, *ex-officio*, authorized to organize churches in the bounds of Presbyteries without any previous order of Presbytery directing such organization?

a. *Resolved*, That except in frontier and destitute settlements, where, by Form of Government, Chap. xv, Sec. xv, it is made a part of the business of evangelists to organize churches, and except in cases where it is exceedingly inconvenient to make application to a Presbytery (for which provision is made in the act of Assembly of 1831), it is not the prerogative of a minister of the Gospel to organize churches without the previous action of some Presbytery directing or permitting it, since in Form of Government, Chap. x, Sec. viii [now vii], to form new congregations is enumerated among the powers of a Presbytery, and since in Chap. iv, "Of Bishops or Pastors," no mention is made of any such power being lodged in the hands of an individual minister.—1833, p. 410; Form of Government, Chap. xv, Sec. xv.

b. No church shall be organized by a missionary within the limits of any Presbytery, unless authority has been previously obtained from the Presbytery.—1883, p. 644.

2. Relative duties and authority of the Board and the Presbyteries.

Overture, from the Presbytery of Washington City, asking the Assembly to define the relative duties and authorities of the Freedmen's Board and the Presbyteries, in relation to the Freedmen churches under their care.

Your Committee recommend: That all operations of the Board, within the bounds of any Presbytery, should be originated and conducted with due recognition of the Presbytery and its agencies, according to the following specifications:

1. While appropriations of aid to churches are to be made on the recommendation of Presbyteries, the Assembly regards the Board as having the right to refuse or modify such appropriations; but in every case of refusal or modification, the Board shall promptly present to the Presbytery a written statement of the reasons for so doing.

2. In questions touching the organization of churches, or the character of ministers, the Board, in case of differences between the Presbytery and itself, should abide by the final judgment of the Presbytery.

3. In the establishment and maintenance of schools, the Board should carefully consider the recommendations of the Presbytery, but should act finally on its own judgment.—1884, p. 48. [See below, 5, p. 227.]

3. To divide and organize on petition of a minority.

a. Has a Presbytery the Constitutional right to divide a church where a majority of the members of said church are opposed to its division?

Resolved, That where the minority request it, and the Presbytery has reason to believe that the interests of religion will be promoted by it, the Presbytery has the right to form the minority into a new congregation.—1848, p. 29, O. S.

b. Presbytery, under our form of government, has the sole power, within its jurisdiction, to form, unite, and divide churches and to establish and dissolve pastoral relationships, subject to the provisions of the Constitution, including the provisions for complaint, appeal, review and control.—1896, p. 131.

4. Presbytery may prohibit an organization.

[NOTE.—The people about White Clay Creek, in New Castle County, Delaware, petitioned Presbytery to have the ordinances of the Gospel administered with more convenience and nearness to the place of their abode, for the greater advantage and ease to their several families. Against this the people of New Castle protested, craving that the people of White Clay Creek may not be suffered to set up a meeting-house in the country, that their meeting-house and congregation in New Castle may not be damaged by this rupture of their fellow-members of White Clay Creek.]

The General Presbytery,

Ordered, That the people of New Castle and the country should not be divided by setting up two separate meetings.—1708, pp. 11, 12.

5. When new congregations may be formed.

The Assembly censure a minister for irregularity in dividing the church in Peoria, by which he did not make a separation from the great body of the Presbyterian Church, but a schism in the body, contrary to the Word of God and the government of the Church, which allow of the division of the Church universal into separate congregations only when the people of God are too numerous, or remote from each other, to assemble in one place to worship God.—1840, p. 302, O. S

6. Churches should not be organized where the people can be supplied with church privileges by existing Presbyterian churches.

Overture from the Presbytery of East Florida, asking for advice regarding the organization of new churches within its own bounds, and the right of the Presbytery to solicit aid from the Boards of Home Missions and Church Erection. Your Committee recommend the following action:

1. It is inexpedient and contrary to the expressed spirit of the Church to multiply church organizations in any field already well supplied with Gospel privileges, and especially so when the churches occupying the field are closely related to us in doctrine and polity.

2. In the particular field seeking advice—viz., that which is occupied by the Presbytery of East Florida—we see no reason either for disturbing work already undertaken, or for putting any definite prohibition upon wise Christian zeal which seeks the extension of the Church's work and care in the bounds of the said Presbytery.

3. However, we think it unwise, and a waste of the means and power of the Church, to organize separate churches when the persons desiring such organizations are not only few in number, but may be supplied with church privileges by existing Presbyterian churches.—1882, p. 96.

7 . Presbytery has power over the location of a church.

Overture proposing the following question: "Does Chap. x, Sec. vii, of the Form of Government, defining the powers of the Presbytery, give the Presbytery the right to exercise control over the erection of church buildings within its bounds, both in the case of new organizations expecting to build and of old congregations proposing a change of location?" Answered in the affirmative.—1884, p. 77.

8. Presbytery has power to divide a church.

The Commission appointed to try the *Appeal* and *Complaint* from the Lost Creek congregation against the Synod of Harrisburg, presented their Report, which was accepted, and ordered on record in the *Minutes* of the Assembly, as follows:

The Commission, to whom was referred *Judicial Case No. 5*, being an Appeal from and a Complaint against the Synod of Harrisburg, in the matter of sustaining the action of the Presbytery of Huntingdon, dividing the church of Cedar Creek, beg leave to report, recommending that the Paper be accepted as a Complaint alone, and that it be dismissed.

The Cedar Creek Church consists of members of the two congregations of Mifflintown and Lost Creek, eight miles apart, and united as one incorporated society. The people at Mifflintown petitioned the Presbytery to be organized into a new and separate church, and a Committee was appointed by the Presbytery for this purpose. Having been informed that an organization into a new church might jeopard their claim to any portion of the property they hold in common with the people of Lost Creek, the members of the Cedar Creek Church at Mifflintown recalled their previous request, and asked the Committee of the Presbytery to divide the old church, and set them off as a part of it, and organize them into a distinct church. The Committee acceded to this, and the act was approved and adopted by the Presbytery.

The people at Lost Creek complained to the Synod, that the division of the church was irregular, unconstitutional and injurious: (1) Because the Committee of the Presbytery were appointed to organize a new church, and not to divide the old one; (2) because the Presbytery were incompetent to divide the church without the consent of that part of it connected with the Lost Creek congregation; (3) because no notice of an appointment of the Committee of the Presbytery had been given to the Lost Creek people; and (4) because a division of the church must be injurious to Lost Creek, by the resources that must be withdrawn from it, and injurious to both places by the alienation that must be produced.

The Synod dismissed the Complaint, and sustained the Presbytery.

The Complaint of the action of the Synod is brought up to the General Assembly, on the same grounds on which Complaint of the action of the Presbytery was based.

The dismissal of the Complaint is recommended to the Assembly, because (1) the action of the Committee of Presbytery was made their own by the Presbytery; the Presbytery are competent to divide a church on the petition of a portion of its members, and especially of a majority of its members; (2) notice of the coming of the Committee of the Presbytery was published from the pulpit at Lost Creek, and the proposed coming of the Committee was well known to the people there; (3) because the Presbytery and Synod, well qualified to judge of this, deemed it expedient and for the interests of both congregations that the church should be divided; and that the apportionment of the property between the two congregations is left for future adjustment.—1876, pp. 93, 40; 1896, p. 131.

9. The Presbytery has power to unite churches.

A *Complaint* of certain members of the former Central Church, Jacksonville, Ill., against the action of the Presbytery of Springfield, in uniting the First and Central Churches of Jacksonville.

The Synod is the court of last resort in such cases.—1886, p. 73; 1896, p. 131.

10. A Presbytery may not dismiss or receive a church without the consent of Synod and General Assembly.

Resolved, That it is unconstitutional for a Presbytery to dismiss a congregation under their care, and for any other Presbytery to receive the congregation so dismissed, without the approbation of the Synod to which such Presbyteries respectively belong.—1823, p. 91.

[NOTE.—For approval of General Assembly, see pp. 249, 317–322.]

11. Judicial decision relating to churches purposing to unite.

The Permanent Judicial Commission, to which was transmitted for hearing and decision the matter of the *Complaint* of William McKibbin and George W. Shields against the Synod of Ohio, hereby report that they have held a hearing, in which both the complainants and respondents were represented, and, after careful consideration of each and every specification in said Complaint, report herewith their decision thereon as the judgment herein, and find as follows, to wit:

That none of said specifications be sustained and that the case be dismissed.

The Complaint is lodged against the action of the Synod of Ohio in sustaining the action of the Presbytery of Cincinnati in merging the First, Second and Central Presbyterian Churches of Cincinnati. It is complained that action to effect such union was taken in violation of the Constitution of the Church, in that a sufficient request to Presbytery for union was not had from said First Presbyterian Church, as required by Chap. x, Sec. viii, Form of Government; that the vote of the congregation requesting such union was a minority vote of those present, and that votes of persons in favor of the union, given in writing to the meeting by members not present, were counted in favor of the same and a majority thus obtained.

The Constitution of the Presbyterian Church does not prescribe the manner in which the request to Presbytery for union shall be expressed, and we do not pass upon the regularity, in general, of proceedings of congregations in which absent members register their will by written directions presented and received at the meeting; but we do find that the action of the congregation in this case with reference thereto was such as to estop the congregation and these complainants from raising such question. Both those for and those against the union used such votes, which have been improperly called "proxy votes," and no objection was made at the time to their use. The congregation also followed such vote by adopting, by vote of those present, a resolution by which the "requests" for union was directed to be certified to Presbytery, "in order that it may take due action to complete the union and receive the united church under its care." If there be any irregularity in the first voted "request" for union, the second resolution was regularly passed and constituted a request for such union, and was as well a ratification of the former vote, however irregular it may have been.

Furthermore, no objection as to the regularity of the "request" of the congregation to Presbytery for union, following the second vote, was made at the meeting; nor was objection thereto made to Presbytery, except upon the ground that these absentee votes, used only on the first vote taken, were not competent under the rules and by-laws of the First Church. It does not appear that the ecclesiastical body had any such rules or by-laws, and it is this body that Presbytery deals with in effecting the union of churches. The fact that there is nothing in the Constitution of the Presbyterian Church expressly authorizing Presbytery to accept a request for union, made in part by such votes, is not equivalent to a prohibition thereof.

It was further the duty of the Presbytery itself to determine, as a question of fact, whether it had acquired jurisdiction for union by receiving a "request" from the Church, and this it did by proceeding to consummate the union upon the resolutions and papers which were duly submitted to it, as well as by ratifying such vote of the First Church. In view of the foregoing estoppels, such finding of fact by Presbytery could not be disturbed, even had the second resolution not been passed at the meeting of the congregation. But by the second resolution, passed by the congregation at the same meeting, Presbytery acquired undoubted jurisdiction, the Constitution of the Church was complied with, and the union was regularly effected.

It has also been objected that the First Church did not request that the Central Church be included in the union. It appears by the action of the First Church in expressing their "request" to Presbytery, that it contemplated the admission of other churches than the First and Second Churches to the union. Furthermore, no such objection was specified in the Complaint to Synod, and therefore cannot be urged here.

Other objections have been made which go only to the policy of Presbytery in consummating the union. Under Presbyterian law the Presbytery is supreme in this matter, and we find that the union of the ecclesiastical bodies known respectively as the First, Second and Central Presbyterian Churches of Cincinnati, under and by the name of "The Presbyterian Church of the Covenant in Cincinnati," has been regularly effected, and that the new church is the ecclesiastical and legal successor of each of said former constituted churches.—1908, pp. 223–225.

XIII. TO ORDER WHATEVER PERTAINS TO THE SPIRITUAL WELFARE OF THE CHURCHES.

1. A Presbytery dissolves a pastoral relation on its own discretion, for the peace and welfare of the church.

The Moderator explained the state of the question, and read the action of the Presbytery of St. Louis complained against, which was as follows:

The Memorial of certain members of Pine Street Church having been presented, after discussion,

Resolved, 1. That by the action of Presbytery in June, 1863, the pastoral relation between Dr. McPheeters and the Pine Street Church was dissolved, and Dr. McPheeters ceased to be the pastor of that church, and ceased to have the right to exercise discipline, or perform the functions of the pastoral office in that church.

Resolved, 2. That inasmuch as this action was taken by Presbytery in the exercise of its power "to ordain whatever pertains to the spiritual welfare of the churches under their care," and is its solemn judgment that the interests of the Pine Street Church required that Dr. McPheeters should cease to exercise the functions of minister to that church, therefore Presbytery learn with regret that Dr. McPheeters is still officiating as minister in that church, whether by invitation of Session or at his own instance is not known to Presbytery, but in either case they do hereby ordain and declare that in the judgment of Presbytery the peace and harmony and spiritual interests of Pine Street Church, as well as a proper respect for the feelings of a large minority opposed to the ministration of their former pastor, require that Dr. McPheeters shall cease all connection with that church, and no longer attempt to minister to that congregation.

The vote in the case was then taken:

Whereupon the Moderator announced that the Complaints in this case against the Presbytery of St. Louis were not sustained.

The following is the Minute in the case, viz.:

The Assembly does not sustain the complainants, because the proceedings of the Presbytery of St. Louis in this case appear Constitutional and regular, and, so far as we can perceive, were judicious, equitable, and for the edification of the church.

These Complaints, both in their language and the necessity of the case, brought the whole proceeding under our review. The question of a dissolution of the pastoral relation between Dr. McPheeters and the Pine Street Church was originally brought in an orderly manner before the Presbytery, by Petition of a minority of said church, and a personal tender of resignation by the pastor; and after all the Constitutional steps were taken with care and deliberation, was decided by the Presbytery, acting for the peace and welfare of that church. That which was called an Appeal and Complaint to Synod against that action could not so suspend all further proceedings as to prevent the Presbytery from considering and acting upon the continued disturbed state of that congregation; and when, at a subsequent stated meeting of that body, this subject came before them, they did, almost unanimously, deem it unadvisable that the late pastor should continue ministerial labors in that congregation. Against this decision of the Presbytery, Dr. McPheeters and others have uttered these Complaints, which we do not sustain.

The Assembly has patiently listened to the history of this case from the opposite points of view taken, but in their decision have strictly confined themselves to the facts on record. The resignation of the pastoral relation, and the distracted state of the church, seemed plainly to call for the action of the Presbytery; and being upon the ground, and conversant with all the circumstances and demands of the case, they seem most competent to understand and decide what that action should be. The question of the pastor's loyalty to his national government, which seemed to be so largely a disturbing element in the church, has not been properly before the Assembly, as it was not pronounced upon in any Presbyterial action. They judged it best for the peace and prosperity of that particular church that the late pastor should retire altogether, and cease from his public ministrations to them; and this Assembly cannot decide otherwise. And though many of the members of the Presbytery were absent from that meeting which so decided, this could not invalidate their proceedings, as it was a regular and lawful meeting of that body.

The right and duty of the Presbytery "to order whatever pertains to the spiritual welfare of the churches under their care, and especially to heal dissensions, by seeking to remove the occasions of them, is a distinctive and important feature in our Presbyterian polity. And when the pastor himself so far recognized the propriety of his withdrawal as to tender to the Presbytery his resignation, it was clearly competent for that body not only to grant his request, but to order, if necessary, that he cease his ministrations to that people, if they believed that by longer continuing to serve them the dissensions would be fomented, the strife become embittered, and the spiritual interests of the church endangered. And when the Presbytery did, at length, so interfere and direct, without pronouncing upon the rumors and side issues which were the occasions of the strife and unhappy condition of the church, they simply undertook to control the relations of pastor and people for the welfare of the church, without impeaching, by any expression, the moral character and ministerial standing of that pastor. They only ordered, as a prudential measure, that the resignation which he had himself voluntarily tendered to them, should properly and entirely be carried out, by his ceasing in any way to keep up this unhappy state of things, and by ceasing to minister to them as their pastor.—1864, pp. 327, 328, O. S.

[Note.—See the important case of the relieving of the elders of the Westminster Presbyterian Church, New York City, from the exercise of their office, and of the dissolution of the church. 1909, pp. 194–197.]

See below, Form of Government Chap. xiii, Sec. vii.

2. Power of the Presbytery over the pulpits of its churches.

That stated supplies should not preach in the pulpits of any Presbytery without its consent; and when the consent is refused, the Presbytery to which such minister serving as stated supply belongs, being notified, should recall him within its own bounds.—1874, p. 83.

3. Powers of Presbyterial Committee charged with oversight of church without pastor or Session.

Overture No. 265, from the Presbytery of Newcastle, asking as to the powers of a Presbyterial committee charged with the oversight of a church without a pastor or Session. It is recommended that the answer be that such a committee of Presbytery may have and exercise all the powers and discharge all the functions which the Presbytery properly has delegated to it.—1915, p. 216. (See p. 261, 7.)

4. The power of the Presbytery over unemployed ministers and vacant churches.

[Note.—The subject of vacant churches and unemployed ministers was brought before the Assembly by an Overture from the Synod of Toledo.—1871, p. 547. A Special Committee of seven was appointed to consider and report upon it to the next Assembly, p. 594. Its Report was referred to the next Assembly.—1872, p. 54. The next year the Assembly considered the Report as referred to it by the Committee on Church Polity and adopted it.—1873, pp. 562, 563. See Moore's *Digest*, 1886, p. 176.

This scheme did not prove satisfactory in operation. A Committee was appointed to report to the next Assembly on Overtures on Unemployed Ministers and Vacant Churches.—1880, p. 82.

That Committee reported a plan which was adopted.—1881, pp. 544, 548. See Moore's *Digest*, 1886, pp. 498, 499, where the Report is given in full. Neither did this scheme accomplish the desired results.

In 1888, the Assembly appointed yet another Committee, the Committee on the Increase of the Supply of Ministers, and on Unemployed Ministers, and to the next Assembly they made a Report of progress, and to the Assembly of 1890 a full Report, which may be found in the *Minutes*, 1890, Appendix, pp. 157–160; 1890, p. 110.

Further efforts continued through succeeding years without arriving at a complete and satisfactory solution of this perplexing problem, see *Minutes*, 1891, pp. 209–213, Appendix.

At length, in 1912, the General Assembly appointed the Permanent Committee on Vacancy and Supply, and conferred upon it powers and duties as prescribed in Constitutional Rule, No. 4, p. 354, as follows:

The General Assembly shall have power to appoint a Permanent Committee or other agency to supervise the supply of vacant pulpits, and the service of unemployed ministers. The number of members, the officers and their duties, shall be determined by the Assembly. The powers of the agency shall be as follows: to conduct correspondence with Synods and Presbyteries and their Committees, concerning unemployed ministers and vacant congregations; to seek to adjust in coöperation with Synodical and Presbyterial Committees the requirements of vacancy and supply, by methods adequate to the given conditions in any Synod or Presbytery; to furnish information to church sessions and ministers; to suggest to the General Assembly plans for administration, and to make an annual report to the Assembly.—1912, p. 129.

In 1922, the Assembly transferred the work of this Committee to the Office of the General Assembly, and discharged the Committee from further responsibility for it. See *Minutes*, 1922, p. 202; also pp. 458–462 below and "Vacancy and Supply," *Digest*, 1930, Vol. II, pp. 744–747.]

5. Functions and powers of the Boards in relations to the Presbyteries.

Overture No. 48, from the Presbytery of Sacramento, asking the Assembly to define the functions and powers of the Boards in their relations to the Presbyteries.

We recommend the following answer: The Presbytery has entire jurisdiction over its churches and ministers, subject only to the higher courts of the Church. The Boards of the Church have such authority and functions only as are delegated to them by the General Assembly, whose instructions constitute the law of their administration and define the relations existing between them and the Presbyteries.—1909, p. 191.

[Note.—See above, p. 220, 2 ; see below, p. 579.]

6. The higher judicatories may institute process in cases in which the lower have been directed so to do and have refused or neglected to obey.

1. This Assembly reaffirms the resolutions adopted by the Synod and Presbytery, setting forth the binding obligations of the Fourth Commandment as expounded in the Standards of the Presbyterian Church and in the repeated deliverances of the General Assembly, and also the declarations of the Synod and the Presbytery, that any voluntary and responsible participation in the publication and sale of a Sunday newspaper is inconsistent alike with obedience to the law of God and with membership in the Presbyterian Church.

2. That it is entirely within the Constitutional authority of a Presbytery to direct the Session of a church under its care to proceed to the discipline of any member of said church; and that it is competent for a Synod to reaffirm such instructions on a reference of a case asking for its advice. That the Session of the church of Sewickley were bound to carry out the plain meaning of the instructions of the Presbytery of Allegheny, and that their reasons for declining to do so are insufficient.

3. That the proper remedy for the Presbytery to apply to that Session, if they continue to disobey the instructions of the Presbytery, is to put the Session under discipline for contumacy.—1877, p. 531.

7. Care to be exercised in powers granted to Presbyterial Executive Commissions.

The General Assembly, while recognizing the desirability and necessity in special instances, of a Presbytery's granting power to its Executive Commission to act in its behalf, calls upon the Presbyteries to exercise great care in granting such powers to an Executive Commission.—1912, p. 169. (See Form of Gov., Chap xxvi, Sec. xiv.)

8. Judicial decision affecting Presbytery's duty of review and control, and right of majority rule.

In the matter of the above styled *Complaint* your Permanent Judicial Commission would respectfully report:

It appears that the Presbytery of San Francisco-Oakland, (later called the Presbytery of San Francisco) on March 20, 1917, adopted certain amendments to its Standing Rules, erecting and providing for the management of a Church Extension Board "which should effectively carry out a forward plan of church extension": That certain ministers and elders of said Presbytery, believing that the said amendments to the Standing Rules of Presbytery were unconstitutional, complained to the Synod of California, in session at Los Angeles, October 18, 1917. The Complaint was entertained by the Synod, both the complainants and respondents agreeing that the case "should be considered as a friendly suit to settle principles involved, and to learn whether the action complained of was in accord with the Constitution of the Church."

The action of the Synod of California was as follows:

"It is the judgment of your committee that the Presbytery of San Francisco acted within its rights in adopting the Standing Rules as amended."

Of this decision F. A. Doane, W. C. Spann and W. J. Clifford, members of said Presbytery, complained to the General Assembly meeting in Columbus, May 16, 1918.

The General Assembly having reported the case to its Permanent Judicial Commission for adjudication, the Complaint was regularly brought before the Commission for action. The Complaint was entertained, both complainant and respondent appeared and agreed to waive all technicalities and requested that the case be considered in the nature of a friendly suit, to be decided on its merits for the purpose of settling the Constitutionality of the action taken by Presbytery.

The Complaint sets forth:

1. That the Synod of California has permitted the Presbytery of San Francisco to transcend its Constitutional power by transferring its power to a group of men (the Church Extension Board) contrary to the Constitution of the Church.

2. That the Synod has allowed Presbytery to create an organization, known as a "Board," not subject to the majority control of the Presbytery.

3. That the Synod has approved the action of Presbytery in taking away the control of two thirds of the Presbytery, lacking one, in the following matters:

(*a*) Supervision of the work of evangelism.

(*b*) Christian social work.

(*c*) Planting and fostering of Presbyterian churches, Sabbath schools and missions.

(*d*) Location and erection of church buildings.

(*e*) Granting or withholding financial aid in the case of any church, mission or Christian social work.

(*f*) Appointment of all salaried officers of a Church Extension Board, fixing their terms of service and compensation.

(*g*) And all other matters that may be entrusted to it.

4. That the Synod has permitted the Presbytery to discriminate against its Home Mission pastors and churches by requiring that they should submit to the control of one third instead of a majority of Presbytery in all matters in which the Church Extension Board shall make decisions.

The following facts submitted to the Committee are necessary for a better understanding of the case. The Church Extension Board of San Francisco Presbytery is composed of sixteen ministers and elders, not all of whom need be members of the Presbytery at any Session. For it should be remembered that while a minister is a member of the Presbytery, by virtue of his office, after he has been once received by that body; an elder is a member only on election by the Session of his church as its representative at any particular meeting. When the meeting closes his membership in Presbytery ends until again elected by his Session. This Church Extension Board then is not the Presbytery, but another organization, composed possibly of presbyters and non-presbyters, a creature of the Presbytery entrusted with certain powers to do certain works. As a creature of the Presbytery it is responsible to the Presbytery and its actions must be reviewed and ratified by the creating body.

Amendment No. 1 to the Standing Rules of San Francisco Presbytery is here appended that it may be seen whether this axiomatic principle has been observed.

The amended rule is as follows: "For the purpose of effectively carrying out a forward plan in church extension, the Church Extension Committee gives notice of the following proposed changes in the standing rules of Presbytery:

Amendment No. 1.

"That *Rule No. 31* subdivision (*c*), be amended to read as follows:

"(*c*) The Church Extension Board shall have supervision of the field of the Presbytery with reference to the work of the evangelization, Christian social work, the planting and fostering of Presbyterian Churches, Sabbath schools and Missions, the location and erection of church buildings, and the securing funds for the work under its care. *It shall have discretion* as to granting or withholding financial aid (Home Mission or Church Erection) in the case of any church, mission, or Christian social work, *from funds entrusted to its care.* Every church receiving aid or intending to ask it, in taking steps to secure a pastor shall confer with this Board, *which shall act in coöperation with the Committee on Vacancy and Supply.* This Board shall have power to recommend to Presbytery the removal of any pastor of any church receiving aid, after due notification of the pastor, when in its judgment the best interest of said church demands it.

"It shall have power to appoint all of its salaried officers, subject to ratification by Presbytery, and to fix their terms of service and compensation. It shall have the right to make rules of administration or by-laws for the conduct of its business, subject to ratification by Presbytery. *It shall report at each regular meeting of the Presbytery.*

"In these and all other matters entrusted to it, *the Board shall have full power to act, provided, however, that any of its acts may be set aside or recalled by a vote of two thirds of Presbytery at any meeting of that body held at least ten days after notice to the Church Extension Board of intention to move such recall.*"

At first glance it would seem as if the right of review and control had been reserved by the Presbytery, for the rule reads in two places "subject to ratification by Presbytery." It also provides that the Board "shall report at each regular meeting of the Presbytery." But a little later it is made clear what this "ratification by Presbytery" and "report to Presbytery" really is. "In these and all other matters entrusted to it the Board shall have full power to act, provided, however, that any of its acts may be set aside or recalled by a vote of two thirds of Presbytery at any meeting of that body held at least ten days after notice to the Church Extension Board to move such recall." *The ratification* is simply non-action of Presbytery and the *reporting is merely a report of what has been done.*

Here, then, is an institution created by a majority vote of Presbytery and capable of being destroyed by a majority vote of Presbytery, whose acts, while it continues in existence, cannot be reviewed or controlled by the body creating it, except by a two thirds vote of the Presbytery at certain definite times, a situation manifestly illegal and unconstitutional. The majority rule is one of the fundamental principles of the Church as it is of all deliberative procedure. The only exceptions to the rule are the cases of a reconsideration of a vote previously taken by the deliberative body. Thus under the General Rules for Judicatories 23 and 24, a two thirds or three fourths vote of the members present at the decision reconsidered, is demanded. But this case does not fall under either of these rules. The Presbytery is not reconsidering its own action but ratifying or reversing the action of its creature reporting to it. And the Constitutional principle of majority rule certainly applies.

The Permanent Judicial Commission's judgment therefore is that the Presbytery of San Francisco has transcended its Constitutional powers by adopting this first amendment to its Standing Rules in the following particulars:

1. It has limited and partially destroyed its Constitutional duty of review and control.

2. It has abolished in a large sphere of activity the Constitutional right of majority rule, and instead placed the Presbytery beneath the rule of a minority.

In so far as the Complaint of the complainants is concerned with the adoption of *Amendment No. 1* to the Standing Rules of San Francisco Presbytery, the Complaint is sustained and the Synod of California is directed to order the Presbytery of San Francisco to restore in its amended rules the principle of majority control.—1918, pp. 169–172.

VIII. It shall be the duty of the presbytery to keep a full and fair record of their proceedings, and to report to the synod, every year, licensures, ordinations, the receiving or dismissing of members, the removal of members by death, the union or division of congregations, or the formation of new ones, and, in general, all the important changes which may have taken place within their bounds in the course of the year.

[NOTE.—See below, under Form of Government, Chap. xi, Sec. vi. Nearly every case there applies equally to the Records of Presbytery. See Book of Discipline, Sec. 72.]

1. Narratives and all important Papers to be recorded.

Resolved, That this Assembly earnestly recommend to the Synods and Presbyteries to record in their Minutes the Narrative of Religion and all other Papers.—1870, p. 91; 1892, p. 200.

2. Minutes of Presbyteries may be kept in print.

Overture from the Synod of New York, asking the Assembly to make a definite deliverance as to whether the principle established in relation to the Records of Synods (*Minutes*, 1884, p. 75) does not apply to those of Presbyteries also.

This answer referred to has reference to the keeping the Minutes of the Synods in print.

Your Committee recommend an answer in the affirmative; and to say that all our Church courts may follow the same rule, only observing with care:

1. That the Minutes be fully and accurately kept and recorded.
2. That they be preserved in volumes, and not left to separate pamphlets, and be carefully paged.
3. That they have blanks left for corrections and approval.
4. That the Minutes of every meeting be duly authenticated by the written name of the Stated Clerk, or some officer appointed to authenticate them.—1889, p. 101.

3. Churches holding services in foreign languages to be designated in Statistical Reports.

It was *Resolved*, That the Stated Clerks of the Presbyteries indicate, in the Statistical Reports, the nationality of all churches in which services are held in a foreign language, by adding to or inserting in the name of a given church the customary national name of the persons worshiping therein.—1882, p. 18.

4. The loose-leaf system.

In answer to *Overtures 201* to *223* inclusive, *291*, *292* and *306*, relative to the loose-leaf system, the following is recommended:

That the use of the loose-leaf system be permitted, provided each set of Records be kept on leaves of uniform size and style, numbered consecutively in uniform type by some printing mechanism, held securely in an automatic locking binder, from which they cannot be removed without unlocking, and ultimately bound in permanent book form in volumes of not more than 400 leaves.—1913, p. 132.

5. The Stated Clerk of the Assembly may, upon explicit official information, correct errors.

Overture from the Presbytery of Mahoning, asking the General Assembly to restrain its Stated Clerk from making alterations in Statistical Reports, in face of the deliberate action and order of the Presbytery, on the subject of putting to the names of ministers the designations "W.C." and "H.R." Your Committee recommend the following answer: The General Assembly enjoins its Presbyteries to carefully attend to sending their Statistical Reports as full and complete as practicable. And further, it is the judgment of the Assembly that it is within the province of the Stated Clerk to correct obvious errors and to supply evident omissions in the Statistical Reports sent up by the Presbyteries; it being understood, however, that changes shall be made only upon explicit official information. —1882, p. 96.

6. Judicial decision concerning exceptions to Synodical Minutes.

The Rev. Joseph R. Milligan, Stated Clerk of the Presbytery of New Castle, filed with the Stated Clerk of the General Assembly on November 9, 1920, a *Complaint* against the Synod of Baltimore. The Complaint is against certain exceptions to the Minutes of the Synod of Baltimore under the date of October 25–27, 1920.

1. As it concerns the insertion of an extra leaf in the Record book between pages 298–299.

2. As it concerns the finding of the Synod of Baltimore viz.: that the negative action taken by the Presbytery of New Castle in the case of the Elkton Church was contrary to the intention of the Judicial Commission of the Synod of Baltimore.

It is the judgment of the Permanent Judicial Commission:

1. That the exception made by the Synod to the Record of the Presbytery of New Castle was well taken; that the first ground of the Complaint be not sustained.

2. That the findings of the Synod concerning the negative action of the Presbytery were erroneous; and that the second ground of Complaint be sustained.

Mr. Arthur L. Jackson, being a member of the Synod of Baltimore, was not present and took no part in the decision of this case.—1921, p. 134.

7. No designation after names of ministers without charge.

Overture No. 65, from the Presbytery of Syracuse, is as follows:

"The Presbytery of Syracuse hereby respectfully overtures the General Assembly to amend the rules for the preparation of the Statistical Report, so that Rule 4 shall read: 'Place after the name of every minister an abbreviation denoting his occupation, except that the names of ministers without charge shall be inserted without any designation whatever.'" It is recommended that Rule 4 be so changed.—1905, p. 82.

8. H.M. to be inserted after names of home missionaries.

Overture No. 51, from the Presbytery of Pendleton, on abbreviations after ministers' names in the Statistical Reports of Presbyteries, proposes that the initials H.M. be used for a minister in charge of a Home Mission church, but not installed as pastor, and H.M.P. for a minister installed as pastor of a Home Mission church. We recommend that the former part of the proposal be approved, the initials H.M. seeming appropriate, after the analogy of the initials F.M. for foreign missionaries, but that the latter part be not approved, there appearing no adequate reason for distinguishing between pastors of home mission churches and pastors of other churches. —1905, p. 82.

9. Elimination of honorary degrees from the minutes of the General Assembly.

Overture, That the General Assembly direct the Stated Clerk to omit henceforth all Honorary Degrees in the publication of the Minutes of the Assembly and of the Statistical Reports of the Presbyteries.

Answered in the affirmative, the Stated Clerk of the General Assembly being directed to make such omission beginning with the Minutes of 1931.—1930, pp. 24, 110.

10. All ecclesiastical changes to be immediately reported.

Resolved, 1. That all ecclesiastical changes shall be reported immediately upon their occurrence, by the Stated Clerk of Presbytery, to the Stated Clerk of the General Assembly, who shall issue supplements and numbers of the *Minutes* at regular intervals containing lists of such changes, etc. These lists shall be furnished, without extra charge, to the chairmen of Presbyterial and Synodical Committees, to the Clerks of Presbyteries and Synods, and upon request to unemployed ministers and to the Clerks of Sessions of vacant congregations.—1901, p. 143; also, 1902, p. 176.

IX. The presbytery shall meet on its own adjournment; and when any emergency shall require a meeting sooner than the time to which it stands adjourned, the moderator, or, in case of his absence, death, or inability to act, the stated clerk, shall, with the concurrence, or at the request of two ministers and two elders, the elders being of different congregations, call a special meeting. For this purpose he shall send a circular letter, specifying the particular business of the intended meeting, to every minister belonging to the presbytery, and to the session of every vacant congregation, in due time previous to the meeting; which shall not be less than ten days. And nothing shall be transacted at such special meeting besides the particular business for which the judicatory has been thus convened.

1. Presbytery may meet without its own bounds.

1. *Resolved*, That Synod has power to order a Presbytery to meet and to transact such business as in the judgment of Synod is intimately connected with the good order and well-being of the Church.

2. *Resolved*, That as such meetings are of the nature of *pro re nata* meetings, the rules that are laid down in our book for the regulation of such called meetings ought to regulate and govern in all cases these meetings ordered by Synod, except when ordered to meet during the sessions of Synod on business immediately connected with the proceedings of that body. In such cases the Presbytery may be required to meet at once by order of the Synod.

3. *Resolved*, That whilst it would be inexpedient and wrong for the Synod to order a Presbytery to meet beyond its own bounds without the express consent of its members, we see no Constitutional or valid objection against a Presbytery agreeing to meet without its own geographical limits.—1848, p. 60, O. S.

2. A meeting pro re nata must be called by the moderator chosen at a stated meeting.

[The Records of the Synod of Mississippi approved,] with the exception that the Synod acknowledges the Constitutionality of a meeting of the Presbytery of Clinton that had been called by a moderator chosen *pro tempore* at a previous *pro re nata* meeting, instead of being called by the moderator appointed at the last stated meeting of the Presbytery.—1842, p. 28, O. S.

3. When meetings pro re nata may be called.

In answer to the first query, the Synod judge that meetings of judicatures *pro re nata* can only be necessary on account of important occurrences unknown at their last meeting, and which cannot be safely deferred till their stated meeting, such as scandal raised on a minister's character tending to destroy his usefulness and bring reproach on religion, or feuds in a congregation threatening its dissolution, or some dangerous error or heresy broached; but not matters judicially deferred by the judicature, except some unforeseen circumstance occurs, which makes it appear that some principal things on which the judgment depends may then be had, and cannot be obtained if it is deferred till their stated meeting, nor for any matters that ordinarily come in at their stated meetings. And when such occasional meetings appear necessary to the moderator himself, it is proper to call the judicature together, or upon the application of any two members judging it necessary, provided always that seasonable notice be given to all the members of the occasion, time and place of meeting, and that it be appointed at such a season as may render the attendance of the members practicable.—1760, p. 305.

4. Applicants for a meeting pro re nata may name a time and place which the moderator may not change.

1. In an application to the moderator of a Presbytery to call a *pro re nata* meeting of that body, is it competent for applicants to specify a particular time and place for such meeting?

2. If a particular time or place, or both, be specified in the application for a *pro re nata* meeting of Presbytery, has the moderator a right, on such application, to call a meeting at a different time and place?

The first question was answered affirmatively, the second negatively, at the recommendation of the Committee.—1856, p. 522, O. S.

5. What business may be done at a pro re nata meeting.

Overture from the Presbytery of Newton, asking the General Assembly if, at a *pro re nata* meeting, business, necessarily resulting from action taken at such meeting, but not included in the call, can be properly transacted. For example: at a *pro re nata* meeting to dissolve a pastoral relation and dismiss the pastor, the following items which were not in the call were transacted:

Arrangements were made for declaring the pulpit vacant;

Supplies were furnished for the vacant pulpit;

A neighboring pastor was appointed moderator of the Session of the vacant church, according to a Standing Rule of the Presbytery;

The minister dismissed left the important Committee on Systematic Beneficence without a chairman, of which Committee the remaining members were not able to act: at this *pro re nata* meeting this vacancy was filled.

The Committee recommend the following answer: Only such action should be had at a *pro re nata* meeting as is essential to complete the business directly connected with that named in the call for said meeting.

In the case submitted the appointment of the chairman of a permanent Committee of the Presbytery was not within the limits of the call for the *pro re nata* meeting.—1874, p. 81.

6. How the place of the regularly appointed meeting may be changed.

Overture from the Presbytery of Bellefontaine, asking the Assembly to provide a plan for the more convenient change of the place of meeting of the Presbyteries, similar to that provided for the Synods, as found in Moore's *Digest*, p. 509.

Answer. Whenever from any cause it shall be necessary to change the place of the regularly appointed meeting of a Presbytery, its Stated Clerk shall, at the request of at least three-fourths of the clerks of its church Sessions, be authorized to secure another place of meeting, and to issue his official call for the meeting of the Presbytery accordingly. (See *Digest* of 1886, p. 509, similar action as to Synod.)—1890, p. 45.

7. How to change the regularly appointed meeting of Presbytery.

Overtures Nos. 61, 62, 159 and *160*, from the Presbyteries of Indiana, White Water, Fort Wayne and Crawfordsville, asking the Assembly to adopt a rule to the effect that, "whenever, from any cause, it shall become necessary to change the regularly appointed meeting of Presbytery, its moderator, Stated Clerk and Permanent Clerk shall be authorized to secure another place of meeting, and issue a call for the meeting of Presbytery accordingly." The Committee would recommend its adoption.—1916, p. 244.

[Note.—For change of time of meeting, see this Digest, p. 243, 244.]

8. Moderator is not the judge of the necessity of a pro re nata meeting.

Judicial Case No. 11.—The Judicial Commission, to whom this case has been submitted, respectfully report as follows:

The Presbytery of Philadelphia North, on January 19, 1897, took the following action, viz.:

"*Resolved*, That it is the sense of the Presbytery, that in the case of a request, signed and presented, as permitted in Chap. x, Sec. x, [now ix] of the Form of Government, for a special meeting of Presbytery, the moderator is to be the judge as to whether the emergency is such as to require the holding of such meeting."

Against this action Rev. W. H. Pumphrey complained to the Synod of Pennsylvania.

The Synod decided that, though a question in Church polity, as well as a Constitutional question, was involved, no action was necessary. Against this action of Synod Rev. W. H. Pumphrey complained to the General Assembly.

After a due hearing of the parties, and full compliance with the requirements of the Book of Discipline, the Commission find as follows:

That the Complaint is sustained upon the ground that a Constitutional question is involved; that the requirements of Chap. x, Sec. x, [now ix] of the Form of Government are mandatory and not discretionary; and that the case be remanded to Synod, with the injunction that they reconsider this action, and record their decision agreeably to the requirements of our Constitution.—1898, p. 133.

X. At every meeting of presbytery a sermon shall be delivered, if convenient; and every particular session shall be opened and closed with prayer.

1. The preacher not necessarily a member of that Presbytery.

The Records of the Synod of Indiana approved, except that on page 253 it appeared that the Presbytery of Madison, at a certain meeting, in the absence of the moderator, invited, a minister from another Presbytery to preach the opening sermon. This act of Presbytery the Synod condemn as unconstitutional. The Committee are of the opinion that the Presbytery by so doing violated no principle of the Constitution.—1849, p. 250, O. S.

[Note.—It will be observed that Sec. x does not require that the sermon shall be delivered at the *opening* of the meeting.]

2. Definition of "a single session."

Overture 2. The meaning of a single session is defined as follows:

A single session of a judicatory is hereby defined as the period included between an orderly assembling and the taking of a recess to an hour of the same day or between an orderly assembling and the taking of an adjournment to an hour of the next day or to a future day.—1930, p. 137.

3. Judicial decision that omission of sermon at opening of Presbytery is not illegal.

There was referred to the Commission for adjudication the *Complaint* of the Rev. A. M. Eells, with respect to the judgment of the Synod of Kansas dismissing his Complaint to the judicatory, as to the action of the Presbytery of Larned in failing to open a stated meeting of the Presbytery with a sermon. The Commission would report that in its opinion the omission of a sermon on the occasion in question was not a violation of Chap. x, Sec. x, [now ix] of the Form of Government of the Presbyterian Church in the U. S. A.

The language of Chap. x, Sec. x, [now ix] is: "At every meeting of presbytery, a sermon shall be delivered, if convenient. . . ." Manifestly, this language allowed the Larned Presbytery, as was held by the Synod of

Kansas, to determine for itself whether the delivery of a sermon at its meeting was convenient or otherwise. In support of his contention that the Synod of Kansas erred in dismissing his Complaint, the complainant cites a deliverance of the General Assembly found in the *Minutes* of the meeting of 1900, at p. 977, by which it was declared that a sermon *must* be delivered at the opening of a Synod.

This deliverance of the General Assembly conforms to Chap. xi, Sec. v, of the Form of Government, which provides that: "The synod shall convene at least once in each year; at the opening of which a sermon shall be delivered by the moderator, or, in case of his absence, by some other member. . . ."

It will be observed that the language of this section is mandatory. It requires that in opening the Synod a sermon shall (*i.e.*, must) be delivered; whereas, that of Chap. x, Sec. x, [now ix] applying to the opening of the Presbytery is not mandatory, but merely directory, leaving it to the Presbytery to determine whether the sermon shall be delivered. If, therefore, the Presbytery finds it inconvenient to have the sermon, it may allow its omission. The Permanent Judicial Commission would not be understood as advising that the delivery of the sermon at any stated meeting of a Presbytery be omitted. On the contrary, if charged with the duty of advising the Presbyteries, it would advise that the sermon be delivered, unless the inconvenience resulting from its delivery would seriously interfere with the business of the Presbytery.

The duty of the Permanent Judicial Commission, however, goes no further than to pass upon the question whether the action of Larned Presbytery in omitting the sermon on the occasion complained of was illegal. As such action was not illegal, the Synod of Kansas did not err in rendering the judgment complained of. The judgment is, therefore, affirmed, and the Complaint dismissed.—1911, p. 134.

XI. Ministers in good standing in other presbyteries, or in any sister churches, who may happen to be present, may be invited to sit with the presbytery, as corresponding members. Such members shall be entitled to deliberate and advise, but not to vote in any decisions of the presbytery.

1. Synods and Presbyteries may correspond with local bodies.

a. *Resolved,* That while this Assembly would not interfere authoritatively with the lower judicatories in the exercise of their prerogative, they would recommend that no ministers should be invited to sit as correspondents who do not belong to some body in correspondence with this Assembly.—1843, p. 23, N. S.

b. The *Report* of the Committee in reference to correspondence with the Methodist Episcopal conferences, which had been put upon the docket, was taken up, and the following resolution was adopted, viz.:

Whereas, The communication of the Oneida Annual Conference of the Methodist Episcopal Church solicits only a correspondence between themselves and the Synod of New York and New Jersey, and not with the Presbyterian Church generally; and

Whereas, The Synod referred the matter to the Assembly without submitting any specific proposition or plan for such correspondence; therefore, *Resolved,* That the communication be referred back to the Synod to adopt such measures as they may deem proper in pursuance of the request for a correspondence of the local bodies.—1880, p. 323, N. S.

c. *Overture:* Is it orderly for our Presbyteries and Synods to invite ministers of the Methodist Episcopal Church to sit as corresponding members? which was answered by the Assembly unanimously in the *affirmative*.—1849, p. 174, N. S.

2. The ecclesiastical bodies must be named.

Minutes (Synod of Albany) approved, with the exception of having invited several ministers to take their seats as corresponding members without describing the ecclesiastical bodies to which such ministers belong. —1815, p. 578.

3. An elder cannot sit as a corresponding member.

An *Overture* from the Presbytery of Milwaukee, for an answer to the following question: "In a meeting of Presbytery, is there Constitutional objection to inviting a ruling elder present, as the retiring moderator, but not a delegate, to sit as a corresponding member?" It is recommended that this answer be returned: "He cannot be invited to sit as a corresponding member in the Presbytery, because he is from no body in correspondence with it, and because he is eligible to the Presbytery as one of its constituency, and has not been delegated by his Session."—1886, p. 48.

4. A Unitarian minister may not be invited to sit.

Exception to Records of the Synod of the Columbia. We find on page 17 this Record: That "The Rev. T. L. Elliott, of the Unitarian Church of Portland, being present, was invited to the privileges of the floor."

To this action of the Synod the Assembly excepts.—1886, p. 110.

XII. When two or more presbyteries unite in employing a minister to labor among the vacant churches of these presbyteries, he may perform all the offices of a pastor in any of the vacant churches within the bounds of the presbyteries so employing him when authorized by the presbytery in which he is laboring, but of which he is not a member.

1. A minister laboring in two Presbyteries.

When a minister who is pastor of a church in his own presbytery is appointed stated supply of a church in another presbytery by that presbytery, inasmuch as he is in the service of two presbyteries, may that presbytery of which he is not a member authorize him to perform the pastoral office of moderating the session of the church which he thus statedly supplied?

In view of the provisions of Form of Government, Chap. x, Sec. xii, it is recommended that this overture be answered in the affirmative.—1930, pp. 25, 138.

[Note.—See F. of G., Chap. x, Sec. iii, pp. 143, 144.]

CHAPTER XI.

OF THE SYNOD.

I. As a presbytery is a convention of the bishops and elders within a certain district; so a synod is a convention of the bishops and elders within a larger district, including at least three presbyteries. The synod may be composed, at its own option, with the consent of a majority of its presbyteries, either of all the bishops and an elder from each congregation in its district, with the same modifications as in the presbytery, or of equal delegations of bishops and elders, elected by the presbyteries on a basis and in a ratio determined in like manner by the synod itself and its presbyteries.

[Note.—The Form of Government, as adopted in 1789, read: "A Synod is the Convention of several Presbyteries within a larger district, including at least three Presbyteries." The Assembly of 1804, p. 304, sent down an Overture to the Presbyteries to change the section, and added in a note, "Under this section it has been doubted whether the members can proceed to business as a Synod, unless there are present *several Presbyteries*, *i. e.*, at least three ministers from one of the existing Presbyteries and three from another. The amendment therefore goes to make a Synod consist not of Presbyteries, but, as it ought, of bishops and elders." The amendment was adopted. —1805, p. 333.

1. Mode in which a Synod may become a delegated body.

Should any Synod vote to become a delegated body, its decision shall be submitted to its Presbyteries, and shall take effect when ratified by a majority thereof. This result shall be ascertained at a subsequent meeting of the Synod; or, if the Synod so provide, the result shall be certified to the moderator and clerks of the Synod, and by them be communicated to the several Presbyteries as a basis for electing delegates to the ensuing or second meeting.—1882, p. 97.

2. Clerical commissioners not confined to pastors.

Your Judicial Commission to which was referred the *Complaint* of the Rev. Charles S. Lane (and others) against the action of the Synod of New York, in the case of the Complaint of the Rev. Charles S. Lane and six others against the Presbytery of Westchester in electing as commissioners to the Synod of New York two ministers who at the time of their election were without pastoral charge; voted not to sustain for the following reasons, viz., inasmuch as there was in the findings of the Judicial Commission no point of Constitution or law to adjudicate, the action of the Commission was final.—1899, p. 95.

3. Synod may not refuse to receive the members of its Presbyteries, nor order their names to be erased.

[Note.—See this *Digest*, Book of Discipline, Chap. ix, Sec. 73.]

4. Synods as constituted at different periods.

[See *Digest*, 1930, Vol. II, p. 382.]

II. Any seven ministers, belonging to the synod, who shall convene at the time and place of meeting, with as many elders as may be present, shall be a quorum to transact synodical business; provided not more than three of the said ministers belong to one presbytery.

1. When a Synod consists of three Presbyteries, the withdrawal of one of them, for judicial business, does not destroy the quorum.

a. An *Overture* from the Presbytery of New Castle, asking the General Assembly, "in view of the withdrawal of the Presbytery of Rio de Janeiro from the Synod of Baltimore, causing that Synod to be left without a Constitutional quorum of Presbyteries in issuing judicial cases, to enlarge the Synod of Baltimore by the addition of one or more Presbyteries."

The Committee refers to Chap. xi, Form of Government, and says, "The Synod of Baltimore, as now constituted, comprises the three Presbyteries of Baltimore, New Castle and Washington City," and recommend that no action be taken. The Report was adopted.—1889, p. 80.

b. *Overture*, from the Synod of Atlantic, concerning a quorum of Synod, questions:

(1) In the case of a Synod composed of three Presbyteries and seven ministers, not more than three of whom are from one Presbytery, does this constitute a quorum for all Synodical business?

The answer recommended is, Yes. See Form of Government, Chap. xi, Sec. ii.

(2) Does the withdrawal of one Presbytery, as required by the Book of Discipline (Secs. 90 and 98), in judicial cases, vacate the quorum of Synod for judicial business? Your Committee recommend as an answer: The Synod being constituted with a quorum present, remains legally constituted for judicial business after such withdrawal of one of the Presbyteries.—1892, p. 189.

2. The rule as to a quorum must be observed. Irregular proceedings, how treated.

It appears from the Record that certain members of the Synod of West Tennessee met at Knoxville, Tenn., October 12, 1848, and constituted themselves the Synod of West Tennessee, contrary to the Form of Government, Chap. xi, Sec. ii, there being seven ministers present, but four of them were from one Presbytery.

1. The Assembly declare all proceedings and acts of those members of the Synod of West Tennessee found recorded on pp. 214–230 unconstitutional and invalid, except so far as relates to the appointment of the time and place for the next meeting of Synod.

2. That the Synod be directed to review, at its first regular meeting hereafter, the proceedings and acts of said members of the Synod, and that they adopt or reject the same, in whole or in part, as they may see fit.—1849, p. 248, O. S. See 1891, p. 144.

3. The acts of less than a quorum are unconstitutional and void.

a. In regard to the Minutes of 1855, Synod of Arkansas, the Assembly declares:

1. That the proceedings and acts of the members of said Synod, met at Little Rock, September 20, 1855, are unconstitutional and void—inasmuch as they proceeded without such a quorum as the Constitution requires—except so far as relates to the appointment of the time and place of the next meeting.

2. The Synod is directed to review, at its next regular meeting, the proceedings and acts of said members, and to adopt or reject them, in whole or in part, as they may see fit.—1856, p. 539, O. S. See 1891, p. 144.

b. The Judicial Commission appointed in the case of the Appeal and Complaint of James A. Rainey presented its Report, as follows:

Report of the Judicial Commission appointed to find judgment in the case of the Appeal and Complaint of the Rev. James A. Rainey against the action of the Synod of Atlantic, viz.: *Judicial Case No. 2:*

Finding.—It appears from the Records of the Synod of Atlantic that the action complained against by Rev. James A. Rainey was taken without a quorum required by the Constitution, and that therefore said action was unconstitutional and is void.

The Synod is directed to review at its next regular meeting the proceedings and action regarding this case, and complained against by Rev. James A. Rainey, and to adopt or reject them, in whole or in part, as the Synod may determine.

The Report of the Commission was confirmed, and its finding entered on the Minutes.—1891, p. 144.

4. Meetings pro re nata Constitutional.

a. The Committee of Overtures also reported *Overture No. 13.*

This Overture was taken up, and is as follows, viz.: "An answer is requested to the following question, viz.: Has the moderator of a Synod a right to call a meeting of the Synod during the interval of its stated sessions?"

Resolved, by the Assembly, That this question be answered in the affirmative.—1829, p. 268.

b. The Assembly took up the Protest and Complaint of a minority of the Synod of Virginia against a decision of said Synod in favor of called meetings of Synod. The complainants and Synod were heard, after which it was resolved that the Complaint be not sustained.—1832, p. 368.

c. The Committee on the Records of the Synod of Tennessee reported that after a careful examination of those Records they find them correct; and the attention of the Committee having been called to the Report of a Committee of the Synod of Tennessee relating to the Constitutionality of a called meeting of said Synod, convened in accordance with a declaratory resolution of the General Assembly of the Presbyterian Church in 1796, and found on page 321 of the *Digest* published in 1820, after a careful examination of the whole subject, they recommend the following action in the case: That in the judgment of this General Assembly the meeting of the Synod of Tennessee at Knoxville, in said State, on the ninth day of November, was in accordance with the Constitution of the Presbyterian Church, and the Assembly do so declare.—1855, p. 16, N. S.

5. The authority for a meeting pro re nata is not found in Chap. x, Sec. x, (now ix) Form of Government.

The Committee appointed to examine the Records of the Synod of Michigan reported, recommending their approval as far as written, with this exception, viz., the calling of a *pro re nata* meeting at Petersburg, September 4, 1873, for the purpose of changing the time of the regular meeting, in order that the Synod might not be in session during the meeting of the Evangelical Alliance in the city of New York.

It appears from the Record that the moderator issued a call for this special meeting of the Synod, basing his authority on the Form of Government, Chap. x, Sec. x (now ix).

Your Committee think that this section refers to Presbyteries, and not to Synods.—1874, p. 85.

[NOTE.—In this case the Assembly is not to be understood as denying the Constitutionality of the meeting *pro re nata*, but the relevancy of the authority quoted.

The authority for calling a meeting *pro re nata* of Synods is to be found in Form of Government, Chap. xix, Sec. ii, last sentence but one. See also next below; also p. 454, last line.]

6. A pro re nata meeting to approve the Minutes sustained.

The Committee on the Minutes of the Synod of Cincinnati, *inter alia*, call the attention of the Assembly to two protests—one, the Minutes of the Synod against important action of that body; the other, the act of the moderator in convening a *pro re nata* meeting of the Synod to approve the Minutes. Your Committee, after careful consideration, are of the opinion that both actions should be approved.—1878, p. 118.

7. The moderator must specify the object of the meeting.

The Records of the Synod of Kentucky were approved, except the Record of a meeting of Synod, which was convened pursuant to call of the moderator, without a specification of the object for which they were convened. —1823, p. 74.

8. When a Synod has failed to meet on its adjournment, the moderator is competent to call a meeting.

As it appeared from the representations of ministers and elders assembled at Yorktown, the 20th of October, 1795, and signed Robert Davidson, that the Synod of Philadelphia did not meet according to its last adjournment, nor since the time to which it was adjourned: On motion,

Resolved, That the moderator of the Synod of Philadelphia, the Rev. Dr. Robert Davidson, ought to be considered as competent to call a meeting of the same, and that he do accordingly call a meeting, to be held in the Third Presbyterian Church in the city of Philadelphia, on the fourth Wednesday of October next; and that he give due notice thereof by a circular letter to the moderators of the several Presbyteries composing the said Synod, whose duty it shall be to acquaint the other members.

Resolved, as the opinion of the Assembly, That from the nature of the thing, two or more members of any judicatory, meeting according to the adjournment, may adjourn from day to day until a sufficient number attend for the transacting of business, and in case a quorum should not attend within a reasonable time, that the moderator shall be considered as competent to fix any time and place he may judge proper for convening the body; and if he be absent, that the members assembled shall represent the matter speedily to him, that he may act accordingly.—1796, p. 113.

9. The Assembly may fix time and place.

A request from the moderator of the Synod of Upper Missouri, that as the Synod failed to meet last fall, according to adjournment, in Kansas City, owing to the distracted state of the country, the Assembly would enjoin upon said Synod to meet in Liberty Church, Clay county, Missouri, on the 1st day of October next, at 7 o'clock P. M.

The Committee recommend that the request be granted, and the Synod be and hereby is directed to meet accordingly.—1862, p. 596, O. S. Time changed to October 8, and Report adopted.—p. 610.

At the same meeting a similar request from the Synod of Baltimore was answered in the same manner.—p. 596, O. S.

Also Synod of Missouri, N. S.—1862, p. 14; O. S., 1842, p. 16.

On petition of the Presbytery of Albany, the Assembly changed the time of the meeting of the Synod of Albany on account of the meeting of the Evangelical Alliance.—1873, p. 525; Synod of China, 1888, p. 57; Synod of New Jersey, 1896, p. 48.

10. Moderator may not change the time of meeting.

a. *Resolved,* That the Records of the Synod of North Carolina be approved, with the exception of the postponement of the regular meeting of Synod by the moderator, which this Assembly consider irregular.—1848, p. 36, O. S.

b. Records of the Synod of Illinois approved, except in the case of the action of that body, as recorded on page 415, sustaining the act of the moderator of the Synod in changing the time of its annual meeting.—1854, p. 500, N. S.

11. Meetings of Synod held earlier than date set legalized.

a. That *Overture No. 56*, from the Synod of Montana, asking that the Assembly ratify the transactions of the meeting of said Synod which was held, for sufficient reasons, one week earlier than the appointed time, be answered in the affirmative.—1910, p. 235.

b. *Overture 1398* on legalizing a Synodical Meeting, asking the Assembly to recognize the last meeting of Arkansas Synod and approve its acts as legal, notwithstanding said meeting was called and held a week earlier than the date to which the Synod had adjourned. It is recommended that this meeting be approved and its acts declared legal.—1921, p. 199.

12. Action of Synod, changing the place of meeting, legalized.

Overture from the Synod of New York, asking the Assembly to acknowledge and authorize the regularity of a meeting of the Synod which was held at Peekskill in October, 1880, instead of at Newburyport, according to previous adjournment. Reasons beyond the control of the Synod made the change necessary, and the action of the Synod was unanimously approved by its own members. The Committee recommend that the action of the Synod be hereby legalized.—1882, p. 95.

13. How the place of meeting may be changed.

a. *Overture*, from the Presbytery of Lansing, asking the Assembly to provide a plan for the more convenient change of place for the meeting of a Synod when it proves to be impracticable for it to meet at the place to which it stands adjourned.

The Committee recommends the following answer:

Whenever, from any cause, it shall be necessary to change the place of the regularly appointed meeting of a Synod, its Stated Clerk shall, at the request of the Stated Clerks of at least three fourths of its Presbyteries, be authorized to secure another place of meeting, and to issue his official call for the meeting of the Synod accordingly.—1884, p. 78.

b. In the matter of the *Overture* of the Presbytery of Louisville concurred in by all the Stated Clerks of the Presbyteries in the Synod of Kentucky, United States of America, to change the date of the meeting of the Synod from October 16, 1923, to September 25, 1923, to be held in the First Presbyterian Church, Maysville, Kentucky, in order to join with the Synod of Kentucky, United States, in a joint evangelistic movement. Your Committee recommends that the *Overture* be answered in the affirmative, and that the Synod of Kentucky be directed to meet in the First Presbyterian Church, Maysville, September 25, 1923.—1923, p. 340.

14. Business session on the Sabbath censured.

a. The Committee appointed to examine the Records of the Synod of North Carolina reported, when the Records were approved, with the exception that on p. 48 it is recorded that Synod held a session on Sabbath evening. This was the closing meeting; and though it does not seem to have been one of much business, still, in the opinion of the Assembly, it was not proper.—1834, p. 445. Reaffirmed, 1909, p. 242.

b. The Records of the Synod of Peoria approved, with the exception "that on p. 33 there is the record of a business meeting held on Sabbath evening."—1846, p. 18, N. S.

c. The Records of the Synod of South Dakota were approved with the following exception, viz., Exception is taken to the transaction of business on the Sabbath day, as recorded on pp. 307–309 of the minutes, session of Sabbath evening, October 9, 1892.—1893, p. 213.

d. "Your Committee, appointed to examine the Minutes of Brazos, report that we have had a printed copy of the Minutes of 1870, of said Synod, before us, and find them in the main correct. They, however, adjourned on Saturday to meet on Sabbath morning, which your Committee think, to say the least, is not commendable."—1871, p. 13, C. P.

III. The same rule, as to corresponding members, which was laid down with respect to the presbytery, shall apply to the synod.

[NOTE.—The rule is as follows (Form of Government, Chap. x, Sec. xi):
"Ministers in good standing in other presbyteries, or in any sister churches, who may happen to be present, may be invited to sit with the presbytery as corresponding members. Such members shall be entitled to deliberate and advise, but not to vote in any decisions of the presbytery."
For decisions under it, see above, Form of Government, Chap. x, Sec. xi, p. 238.]

1. The Record should name the body to which a corresponding member belongs.

a. The proceedings of the Synod of Albany approved, with the exception of having invited several ministers to take their seats as corresponding members, without describing the ecclesiastical body to which such ministers belong.—1815, p. 578.

b. The Records of the Synod of Illinois approved, "except the Rev. Messrs. James H. Dickey, Dewey, Whitney and W. Comstock, ministers of the Church of Jesus Christ, being present, were invited to sit as corresponding members," the bodies to which the ministers respectively belong not being mentioned.—1840, p. 296, O. S.

c. The Records of the Synod of Peoria were approved, with the exception that on p. 28 mention is made of a minister being invited to sit as a corresponding member without designating the ecclesiastical body to which he belonged.—1846, p. 18, N. S.

d. The Records of the Synod of Illinois, p. 440, "do not state the ecclesiastical connection of the Rev. Amasa Lord, who was invited to sit as a corresponding member."—1857, p. 387, N. S.

e. The Synod of Tennessee, with the exception that a minister was invited to sit as a corresponding member from the "Holston Conference," no denominational designation being given to the Conference.—1895, p. 125.

f. That the ecclesiastical standing of Rev. W. L. Lingle, accorded a seat as a corresponding member, is insufficiently indicated (p. 11).—1905, p. 212.

2. Only ministers can be corresponding members.

a. On pp. 103 and 110 the names of certain laymen are recorded as having been invited to sit as corresponding members.

Our Form of Government does not provide for the seating in our judicatories as corresponding members of persons other than ministers.—1905, p. 213.

b. The Committee on the Records of the Synod of Wyoming reported as follows:

We have examined the certified copy of the Minutes of Wyoming, and find it correct with the following exception: On p. 7, an elder is invited to sit as a corresponding member, which is contrary to the law of the Church, Form of Government, Chap. xi, Sec. iii. See, also, *Minutes*, G. A., 1905, p. 213.—1917, p. 254.

3. Corresponding members not to include ministers of other denominations in bodies not ranking equally with Synods.

The Minutes of the Synod of Atlantic were approved, with the following exceptions:

Ministers of other denominations, and not representing bodies ranking equally with the Synods, are invited to sit as corresponding members (pp. 177 and 196).—1909, p. 241.

IV. The Synod has power to receive and issue all appeals, complaints, and references, that are regularly brought before it from the Presbyteries, and to decide finally in such cases all questions that do not affect the doctrine or Constitution of the Church, *provided*, that cases may be transmitted to Judicial Commissions as prescribed in the Book of Discipline; to review the records of Presbyteries, and approve or censure them; to redress whatever has been done by Presbyteries contrary to order; to take effectual care that Presbyteries observe the Constitution of the Church; to erect new Presbyteries, and to unite or divide those which were before erected, subject to the approval of the General Assembly; generally, to take such order with respect to the Presbyteries, Sessions, and people under their care, as may be in conformity with the Word of God and the established rules, and may tend to promote the edification of the Church; and, finally, to propose to the General Assembly, for its adoption, such measures as may be of common advantage to the whole Church. The Synod may appoint a General Council, in accordance with the provisions of Chapter XXVI, of the Form of Government; *provided*, that judicial cases shall be referred only to Judicial Commissions.

[NOTE.—As amended, 1880, p. 74; 1881, p. 524; 1884, p. 89; 1885, p. 637; 1907, p. 187; 1908, p. 208; 1910, p. 244; 1911, p. 197; 1915, p. 211; 1925, p. 65.]

1. The Synod has appellate, but not original, jurisdiction.

a. The Assembly having maturely considered the *Appeal* of Mr. Davis from the proceedings of the Synod of the Carolinas in his case,

Resolved, That, although they highly approve of the zeal of the Synod to preserve the purity and peace of the Church within their bounds, yet they cannot but decide that in their proceedings in the above case, in deciding that they had a right to try Mr. Davis, when there was no reference nor Appeal in his case before them, they have not strictly adhered to the Constitution of the Presbyterian Church.—1810, p. 448.

b. The Committee appointed to report on the Petition of the Presbytery of South Carolina relative to a reconsideration of a decision of last Assembly reported, and recommended the reconsideration. Their Report was rejected and the Committee discharged.—Whereupon,

Resolved, That though the General Assembly regret the dissatisfaction of the Presbytery of South Carolina in the case of Mr. Davis, yet they cannot see it to be expedient or proper to reconsider the judgment of the General Assembly of last year on the case in question.—1811, p. 468.

c. That the Synod (of Genesee) seem to have forgotten the nature and limits of their appellate, as distinguished from the original, jurisdiction in the case, in that they censure at their bar the appellant in a way competent, in any circumstances, only to the Session of the church to which the appellant was primarily amenable.—1840, p. 11, N. S.

2. The Synod may not institute judicial process.

The proceedings of the Synod of Cincinnati, in the institution and prosecution of judicial process against William Graham, are unconstitutional and irregular, and therefore null and void; and the Synod is hereby enjoined to take Constitutional action in the case, and to revise and correct its proceedings accordingly.—1846, p. 31, N. S.

[Note.—See Book of Discipline, Chap. iv, Sec. 19.]

3. The Synod may reverse and correct the action of Presbytery, but must observe the rules of discipline.

The Assembly having heard the *Complaint* of the Presbytery of Carlisle against the Synod of Philadelphia, in the case of William S. McDowell, with the facts and arguments offered both by the Presbytery and the Synod, judge that the Synod had a Constitutional right to reverse the decision of the Presbytery in this case, either in whole or in part, as to them might seem proper, but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution; inasmuch as it appears by their Records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

4. The Synod has jurisdiction over the members of an extinct Presbytery not received by any other Presbytery.—1825, p. 147.

[Note.—See above, Chap. x, Sec. vii; also Book of Discipline, Chap. xi, Sec. 113.]

5. A Synod visits a church to ascertain the acceptability of its elders.

a. *Resolved*, That the Assembly expresses no opinion upon the action of the Synod (of New Jersey) in appointing a Committee to visit the Third Church, Newark, in order to ascertain if any member of the Session were unacceptable to the people.—1862, p. 631, O. S.

b. The next year the *Complaint* of William B. Guild against the action of the Synod was sustained *pro forma*.—1863, p. 35, O. S.

6. Synod may direct the dissolution of the pastoral relation.

A Synod directs a Presbytery to dissolve the pastoral relation, and on *Complaint* to the Assembly is sustained. (See above, Chap. x, Sec. vii, p. 169, Appeal of Jos. Connell *vs.* Synod of Pittsburgh.)—1868, p. 648, O. S.

7. The Synod has power to direct a Presbytery to issue a certificate of dismission.

No. 2 is an *Appeal* of Mrs. Nannie J. Dull from the action of the Synod of Harrisburg. The facts, as set forth in this Appeal, are these: The Session of the church of McVeytown, after being repeatedly directed by the Presbytery of Huntingdon to grant Mrs. Dull a certificate of dismission, still refused to do so; thereupon the Synod of Harrisburg ordered the Presbytery to issue to her a certificate of good and regular standing in the church of of McVeytown. This order was complied with by the Stated Clerk of the Presbytery. This certificate Mrs. Dull returned to the Stated Clerk, and appeals from the action of the Synod, on the ground "that such certificate not being, in her judgment, in accordance with the Discipline of our Church, must necessarily be considered not a valid document, and must arouse suspicion unless endorsed by the highest authority." Your Committee recommend the following action by the Assembly in this case: The Synod had the power to issue the order complained of, and the certificate so issued is a valid document.—1875, p. 511.

8. Synod may not change Presbyterial relations of a minister except in constituting new Presbyteries.

"Synods have no right to change the Presbyterial relations of a minister or ministers; except in constituting new Presbyteries, in which case they have Constitutional jurisdiction in reference to both territory and ministers."—1847, p. 620, (MSS.), C. P.

9. The Assembly will not entertain Appeals which do not affect the doctrine or Constitution of the Church.

[Note.—See below items 14, 17, 18; also this *Digest*, under Book of Discipline, Chap. ix, Sec. 95.]

a. *Complaint* of Rev. N. West, D.D., against the Synod of Minnesota. A careful examination of the instructions of the last General Assembly, of the action of the Synod of Minnesota, and of the Complaint of Dr. West, fails to discover any question of doctrine or any Constitutional question involved in the decision of the Synod of Minnesota, or presented in the Complaint of Dr. West, which would justify the consideration of this Complaint by the General Assembly. In the judgment of your Committee, the action of Synod being final, according to our law, the Complaint of Dr. West cannot come properly before the Assembly. We recommend, therefore, that the Complaint of Rev. Dr. West be dismissed.—1891, p. 143.

[Note.—See Minutes, 1890, p. 109; and the Report in full, 1891, pp. 143, 144.]

b. *Appeals* of John W. Ellis, D.D., *vs.* the Synod of the Pacific.—1892, p. 214.

c. *Appeal* of E. C. Battelle *vs.* Synod of Nebraska dismissed. . . . . "The questions involved do not affect the doctrine or Constitution of the Church."—1896, p. 84.

10. Synod's primary jurisdiction in the erection of Presbyteries.

a. *Overture No. 251*, from the Presbytery of Southern Oregon, relating to the formation of a new Presbytery, petitioning the Assembly to "divide said Presbytery, and erect within its bounds a new Presbytery, to be called the Presbytery of Southwestern Oregon."

The Overture contains details as to the geographical boundaries of the proposed Presbytery and the churches to be embraced therein.

It is recommended that the Overture be referred back in order that Synodical action with reference to it may be first secured in compliance with the provisions of the Form of Government, Chap. xi, Sec. iv.

Overtures Nos. 252 to *254*, from the Presbytery of Los Angeles, the First Church of San Diego, Cal., and the Women's Missionary Society of said church, relating to the formation of a new Presbytery, to be known as the

Presbytery of San Diego. The first of these Overtures petitions for the new Presbytery, and the others make protest against such action.

It is recommended that these Overtures, which really consist of one Overture and two protests against the petition of the Overture, be likewise referred back to the Presbytery of Los Angeles, in order that the approval of the Synod of California may be first secured in compliance with the requirement of the Form of Government, Chap. xi, Sec. iv.—1913, p. 162.

b. An *Overture* from the Synod of Minnesota, asking that the General Assembly take steps, under the action of the Assembly of 1904, toward organizing the German-speaking ministers and churches of the West into separate Presbyteries and Synods. The following answer is recommended: The Assembly is of the opinion that the Synods have power to erect such Presbyteries, whenever properly requested, and are the proper judges of the propriety of so doing; and when such Presbyteries are thus organized, the General Assembly may then be called upon to pass the proper Enabling Act for the erection of Synods.—1907, p. 229.

c. *Overture No. 143,* from the Presbytery of Choctaw, asks for certain modifications of the Act of the Assembly of 1907 forming that Presbytery. We recommend that this Overture be referred to the Synod of Oklahoma for its action, as it has jurisdiction in this case.—1908, p. 173.

11. Assembly approval of Synodical rearrangement of Presbyteries required.

a. The Committee on the Records of the Synod of Texas recommend approval with the following exception, viz.: On p. 44, we note an act of the Synod that was irregular, in that the Synod, by direct act, consolidated the two Presbyteries of Denton and Fort Worth, whereas such action can only be taken subject to prior approval by General Assembly.—1912, p. 276.

b. *Overtures Nos. 51* and *52,* from the Ohio Synod and from certain ministers and elders of Huron Presbytery on the union of the Presbyteries of Huron and Maumee. The Synod petitioning for such a union and said members of Huron Presbytery making protest against it.

The Committee recommends the following action by the Assembly.

As the matter of the union of the Presbyteries is not a matter of Standing Rules of Presbytery, but one independent and entirely different in nature, it cannot be affected by any Presbyterial rule governing changes of Standing Rules; and a request of a Presbytery for union with any other Presbytery can be carried by a majority vote the same as any other independent matter or resolution.

Therefore, the Assembly finds the procedure of the Presbyteries of Huron and Maumee to have been in order and hereby approves the action of the Synod of Ohio and grants its request for the approval of the union of the two Presbyteries above named to constitute the Presbytery of Toledo.

It is directed that both Presbyteries drop the old name and that the new Presbytery be named the Presbytery of Toledo;

That the new territory of the new Presbytery include the territory of the two Presbyteries as at present constituted;

That the roll of Churches and ministry of the new Presbytery consist of the rolls of the churches and ministers of the two Presbyteries at the time of the union;

That the union be constituted in the First Westminster Church of Toledo on the second Monday of June, 1919, at 2.00 P. M.

That the Rev. W. T. Hart, D.D., of Monroeville, be the convener of the new Presbytery, and that Rev. E. E. Rogers, D.D., of Bowling Green, Ohio, preach the opening sermon after which the Presbytery of Toledo be organized.—1919, p. 269.

12. Proposed rearrangement as to churches and Presbyteries made contingent on favorable action.

a. *Overture No. 683*, relating to a readjustment of Presbyterial lines, in the Synods of Idaho and Washington.

It is recommended that the changes asked for by the Synod of Idaho be permitted, on condition that the majority of the sessions of the churches of Northern Idaho, within the bounds of Spokane and Walla Walla Presbyteries concur, and that the Stated Clerks of Idaho and Washington Synods be instructed to submit the question to the Sessions of these churches, and report to the General Assembly of 1915.—1914, p. 160.

b. *Overture No. 249*, from the Synod of Idaho, relating to a change in Synodical lines, petitioning the Assembly in the following terms:

"To transfer from the jurisdiction of the Synod of Washington to the Synod of Idaho, all ministers and churches within the State of Idaho, indicating the number and boundaries of the Presbyteries to be erected from said ministers and churches, and to appoint conveners, time and place for the convention and organization of such Presbyteries, under the jurisdiction of the Synod of Idaho."

It is recommended that the Assembly do not at this time approve the proposed change in Synodical boundaries, because the Synod of Washington has had no opportunity of being heard in regard to the contemplated change, and because the two Presbyteries of Walla Walla and Spokane, which are most immediately concerned in the proposed change, have not themselves approved of it.—1913, p. 161.

c. *Papers Nos. 642* and *643*, from the Stated Clerks of the Synod of the West (German) and the Synod of Wisconsin, referring to the action of the last Assembly in recommending the transfer of the German Church of Platteville, Wis., from the Presbytery of Madison, Synod of Wisconsin, to the Presbytery of Galena, in the Synod of the West (German), on condition that said transfer should be concurred in by the Presbytery of Madison and the Synod of Wisconsin (*Minutes*, 1913, p. 163). These communications state that the Synod of Wisconsin declined to concur in this proposal for the transfer, because of a protest made by the Synod of the West (German).

Answer: Both bodies not being agreeable to this transfer, it becomes inoperative, and the Platteville Church remains attached to the Presbytery of Madison.—1914, p. 159.

d. *Overture No. 76*, from the Church of Doran, Minn., of the Presbytery of George and the Synod of the West (German) asking to be transferred to the Presbytery of Red River and the Synod of Minnesota, said transfer to be subject to the consent of the respective Presbyteries and Synods involved. It is recited in the Overture that the Presbytery of George was formerly composed of German-speaking people, but now has a membership using the English language almost exclusively. Your Committee do not feel warranted in recommending that you approve actions of Presbytery and of Synod, which have not yet taken place. It would seem that the Assembly should have at least, as the basis of its action, the completed action of the Presbytery and the Synod. The Committee therefore recommend that the request be not granted.—1918, p. 225.

e. *Overtures Nos. 255* and *256*, from the Presbytery of Omaha and the Synod of Nebraska, relating to the transfer of a church, concurring in the Petition made by the Bohemian Church of Wahoo, Nebraska, that said Church be transferred from the Presbytery of Omaha to the Presbytery of Central West (Bohemian).

Whereas the Constitutional requirements involved in this proposed transfer have all been complied with, it is recommended that the transfer be approved and made.

Overture No. 257, from the Presbytery of Milwaukee, relating to the transfer of a church, petitioning the Assembly to transfer the German Church of Richfield, Wis., to the Presbytery of Galena (German), in the Synod of the West (German).

Whereas it appears that the German Church of Richfield, Wis., does not wish the proposed transfer, and the Presbytery of Milwaukee did not take the necessary steps to sufficiently acquaint itself with the wishes of this congregation, it is recommended that no action be taken.—1913, p. 162.

f. *Overture No. 75*, from the Synod of Montana, reciting that three churches in the Presbytery of Yellowstone, Synod of Montana, have been transferred by that Presbytery to the Presbytery of Sheridan, in the Synod of Wyoming. It further recites that one church in the Presbytery of Dakota, in the Synod of South Dakota, has been transferred by that Presbytery to the Presbytery of Great Falls in the Synod of Montana. It is recited that the Synod of Montana has approved these transfers and that, in the language of the Overture, "we believe that the other Synods have also approved of them." The General Assembly is asked to give its approval to these transfers.

The Papers in the hands of your Committee present the following case: The Presbytery of Yellowstone had undertaken to transfer three of its churches to the Presbytery of Sheridan, but it does not appear that the Presbytery of Sheridan has agreed to receive these churches under its care, or otherwise taken any action in the matter. The Presbytery of Yellowstone is in the Synod of Montana, while the Presbytery of Sheridan is in the Synod of Wyoming. It is stated in the Overture that the Synod of Montana has approved the transfer, but it is not shown that the Synod of Wyoming has taken any action. The Paper, which is signed, "George Edwards, Stated Clerk of the Synod of Montana," states that "we believe" the other Presbytery has approved the change. There has been referred to your Committee a letter addressed to Rev. Wm. H. Roberts, Stated Clerk of the General Assembly, signed "W. C. Ross, S. C.," to which is appended a sort of postscript, also signed "W. C. Ross, S. C.," which states that "The Presbytery of Yellowstone and the Synod of Montana join with the Presbytery of Sheridan and the Synod of Wyoming in asking the General Assembly to make the boundary change so that the church may be included in the Sheridan Presbytery." The implications of this statement are that neither the Presbyteries nor the Synods have taken any action, but the Assembly is asked to do the whole thing. We find from the *Minutes* of the General Assembly that W. C. Ross is the Stated Clerk of the Presbytery of Yellowstone. We recommend that you take no action on this matter. The churches, Presbyteries and Synods interested should furnish the next Assembly with full evidence of the necessary action of the Presbyteries and Synods. We are the more inclined to recommend no action at present from the statement of W. C. Ross, S. C., to the effect that "We have turned the churches over to them and they are working the same."

In the Overture from Montana Synod it is further stated that "the Presbyterian Church of Poplar has been transferred by the Presbytery of Dakota (Indian), Synod of South Dakota, to the Presbytery of Great Falls, Synod of Montana. As to this transfer, like the one above referred to, it does not appear that either the receiving Presbytery or the receiving Synod has taken any action. As to this supposed transfer also, we recommend that no action be taken by this Assembly.—1918, p. 224.

Correction of error authorized.

g. That in the record of the Synod of Missouri, pages 55 and 56, an error is said to be recorded in the transcription of the description of the boundaries of Hannibal and Kirksville Presbyteries, which error your Committee is informed is to be corrected in the report of this Assembly's Committee on Polity. We therefore recommend that the Assembly authorize and direct the Synod of Missouri to correct the alleged error in the transcription of the boundaries of the said Presbyteries.—1927, p. 198.

13. Change of geographical location of church permitted while not disturbing its ecclesiastical relation.

In 1893, the Slate Ridge Presbyterian Church located in York County, Pa., decided to move, and did move, to a site half a mile distant, which, however, was across the Mason and Dixon line in Harford County, Md. At the same time the congregation desired to retain its ecclesiastical connection with the Presbytery of Westminster, and with the Synod of Pennsylvania, though the church would strictly be within the bounds of the Presbytery of Baltimore, and the Synod of Baltimore. The two Presbyteries and the two Synods, therefore, united in requesting of the General Assembly a change in the boundary line between the Synods of Pennsylvania and Baltimore which would allow this request. In response the Assembly answered: "The General Assembly, without enacting any change in existing boundary lines, directs that the Slate Ridge Church, while occupying its present site, shall continue to be connected with the Presbytery of Westminster, and the Synod of Pennsylvania."—1894, p. 141.

14. Changes of names of Presbyteries not effective until approved by General Assembly.

The following resolution concerning the changing of the names of Presbyteries was adopted:

Whereas, By the rules and practice of the Church, the statistics of the whole Church, by Presbyteries, must be accurately kept by the Stated Clerk, and furnished to those requiring them in reliable form, and

Whereas, There have been instances of changes in the names of Presbyteries without previous approval by the General Assembly, and much uncertainty and confusion in statistics and information has resulted; now be it

Resolved, That the General Assembly interprets Sec. iv of Chap. xi of the Form of Government to contemplate that changes of names of Presbyteries, when otherwise made, according to said Section, will not become effective until reported to and approved by the General Assembly, and that all Reports to the General Assembly, or its Stated Clerk, of facts and statistics, to be incorporated into or circulated with the *Minutes* of the General Assembly, shall in every instance continue to be made in the previous names of Presbyteries, notwithstanding any change of name, until such change shall have been approved by the General Assembly, and thereafter in the new name, commencing April 1st, of the then current year.—1921, p. 212.

15. Decision of Synod final in non-judicial case.

a. *Judicial Case No. 4.—Presbytery of Birmingham vs. Synod of Alabama.*—In the case of the Presbytery of Birmingham *vs.* the Synod of Alabama, known as *Judicial Case No. 4*, the Permanent Judicial Commission would respectfully report as follows:

In this case, the appellant, the Rev. H. L. Walker, was adjudged guilty of certain charges, and suspended from the exercise of the functions of the Gospel ministry by the Presbytery of Birmingham. From this judgment and sentence Rev. H. L. Walker appealed to the Synod of Alabama, which Synod sustained the Appeal and reversed the action of the Presbytery of Birmingham.

The Permanent Judicial Commission, having read the Records and heard the parties in the case, finds that no question affecting the doctrine or Constitution of the Church is involved, which is the requirement as found in the Form of Government, Chap. xi, Sec. iv, which reads:

"The Synod has power to receive and issue all appeals, complaints, and references, that are regularly brought before it from the presbyteries, and to decide finally in such cases all questions that do not affect the doctrine or Constitution of the Church."

The Permanent Judicial Commission finds that the Records in this case do not present an appealable case, and that therefore the Permanent Judicial Commission does not possess jurisdiction to try it.

The Permanent Judicial Commission therefore dismisses the Appeal for want of jurisdiction.—1914, p. 255.

d. *Judicial Case No. 2.*—Rev. H. C. Rimmer, Complainant, *vs.* the Synod of New Mexico, Respondent. Before the Permanent Judicial Commission, of the Presbyterian Church, U. S. A., of the 130th General Assembly, at Columbus, Ohio, May, 1918.

This case comes before us by Complaint of the Rev. H. C. Rimmer, complaining of the action of the Synod of New Mexico, in not sustaining a Complaint lodged by him with said Synod, wherein he complained of the action of the Presbytery of Pecos Valley. The case is purely non-judicial, and does not affect the doctrine or Constitution of the Church, and no doctrinal or Constitutional questions are involved.

Section iv, Chap. xi, of the Form of Government gives a Synod power to hear and consider Complaints regularly brought before it from its Presbyteries "and to decide *finally* in such cases, *all* questions that do not affect the doctrine or Constitution of the Church." This being a non-judicial case, not involving any doctrinal or Constitutional question, the decision of Synod is final, and is not subject to review or control by this Commission, and this Commission has no jurisdiction whatsoever of the matters complained of.

It is therefore the judgment of this Commission that the action of the Synod is final, and that this Commission has no jurisdiction over the subject matter, and it accordingly refuses to sustain the Complaint.—1918, p. 173.

16. Synods cannot appoint Commissions in violation of the provisions of the Constitution.

The Records of the Synod of Colorado were approved, with the following exception, viz.: The appointment of a Commission of twelve to act upon the matter of the reappointment of the Synodical Sabbath-school missionary, such Commission to convene at a time specified by the Clerk of the Presbytery of Gunnison (see pp. 65, 83). It is the opinion of your Committee that inasmuch as judicial questions were involved, this action is irregular for the following reasons: *First*, It violates the principle that original jurisdiction in relation to ministers pertains to the Presbytery (see Book of Discipline, Sec. 19). *Second*, It is contrary to the provision that Commissions shall sit at the same time and place as the Synods appointing them (see Book of Discipline, Sec. 119. [See 121.]).—1904, p. 220.

17. When a Synod has not members to spare for a Judicial Commission a trial should be conducted by the Synod as a whole.

It appearing that an *Appeal* to Synod from the Presbytery of Pembina was found in order, but not issued because of an insufficiency of members present to spare for a Judicial Commission, it is the judgment of the Assembly that the Synod erred in not according the appellant the speedy trial to which he was entitled by the Synod as a whole, and is reminded that the appellant has not thereby lost any of his rights (see Book of Discipline, Secs. 118, 119).—1898, p. 139.

18. Judgment of Synod is final in cases which do not affect the doctrine or Constitution.

a. An *Appeal* of the Prosecuting Committee from the Synod of Nebraska, in the case of J. Scott Woods.

The Judicial Committee recommended that, as the case involved no question of Constitutional law or of doctrine requiring the action of the General Assembly, the Appeal be dismissed.—1899, p. 74.

b. *Appeal* and *Complaint* of N. N. McCullough *vs.* the Synod of Baltimore.—1900, p. 100.

c. *Appeal* of Owen Reidy *vs.* the Synod of Texas.—1901, p. 44.

d. *Complaint* and *Appeal* of Robert J. Todd and others *vs.* the Synod of New York.—1904, p. 84.

e. *Appeal* of J. J. Simeon against the Synod of India. This is an Appeal from the Synod's decision that approved of an election of elders and deacons as held in one of the churches under the direction of the Presbytery of Allahabad. As it is evident from the Records that this case did not affect the doctrine or Constitution of the Church, the decision of the Synod of India must be held to be final (Form of Government, Chap. xi, Sec. iv). We therefore recommend the dismissal of the Appeal.—1904, p. 84.

f. *Appeal* of Rev. Donald Stewart, of Canada, against the Synod of Indiana.—1904, p. 84.

19. Judicial Committee reversed by Judicial Commission in cases in which judgment of Synod is final.

a. The Judicial Committee presented the following Report, which was accepted:

The Judicial Committee would respectfully report:

Judicial Case No. 3, being the Appeal and Complaint of James G. Patterson, D.D. *vs.* the Synod of New York, and recommend (1) that the Appeal and Complaint be found in order; (2) that they be referred to a Judicial Commission.—1900, p. 82.

Judicial Case No. 3.—The Judicial Commission appointed by the General Assembly to whom was referred the Appeal and Complaint of Rev. J. G. Patterson, D. D., against the Synod of New York, for having dismissed his Appeal, and for having refused to sustain his Complaint against the Presbytery of New York, having examined the Papers submitted and heard the parties, took action as follows:

In view of the provision of the Form of Government, Chap. xi, Sec. iv, that the decision of Synod on appeals and complaints and references which do not affect the doctrine or Constitution of the Church is final, and inasmuch as no question of doctrine or Constitution is, in the judgment of the Commission, involved in this case, therefore the Commission determines that the Appeal and Complaint of Rev. J. G. Patterson, D.D., *vs.* the Synod of New York be and are hereby dismissed.—1900, p. 136.

b. The Judicial Committee, through its chairman, Rev. John W. Dinsmore, D.D., presented a Report, which was adopted, and is as follows:

Judicial Case No. 7, entitled the Presbyterian Church in the United States of America *vs.* Mrs. Sarah R. Clinton. We find this case in order, and that it raises questions affecting the Constitution of the Church, and recommend that it be referred to a Judicial Commission to be tried and issued in accordance with the provisions of the Book of Discipline.—1901, p. 45.

The Commission on *Judicial Case No. 7* reported its finding in the case, which was entered upon record and is as follows:

Judicial Case No. 7.—The Presbyterian Church in the United States of America *vs.* Mrs. Sarah R. Clinton, being an Appeal from the final judgment of the Synod of Ohio. Your Commission finds that the Appeal does not properly come before us for adjudication because it does not present any question of Constitutional law or doctrine, and therefore the same is hereby dismissed.—1901, p. 140.

Protest against above judgment.

A *Protest* against the decision in *Judicial Case No. 7* was presented and ordered to be put on record. The protest is as follows:

The Judicial Committee, by its chairman, reported this case in order, as involving questions of Constitutional law or doctrine, and recommended that it be assigned to a Judicial Commission for trial. The Commission in the case found that it does not properly come before them for adjudication, because it does not present any question of Constitutional law or doctrine, and therefore dismissed the case. The point here presented is one of great importance, in view of the movement to appoint a Permanent Judicial Commission. Shall the Assembly retain the right to decide beforehand the questions at issue, as far as it may see fit to do so, and then refer the case to a Judicial Commission, with instructions to issue and try the case, or shall a Judicial Commission, by virtue of its appointment, become a law unto itself, a semi-independent body, with liberty to disregard the action taken and the instructions given by the Assembly?

As we regard the finding and judgment of the Judicial Commission in this case as a disregard of the action taken and instructions given by the Assembly, we file our protest.—1901, p. 169.

[NOTE.—For the names of the two protestants signing this protest, see Minutes, 1901, p.169.]

20. The Permanent Judicial Commission may entertain an Appeal in certain cases ordinarily terminated by Synod.

The Assembly was then organized as a Judicial Court.

The record of *Case No. 3* was read, and the preliminary judgment by the Commission was confirmed as the final judgment of the General Assembly. The report is as follows:

Judicial Case No. 3.—Complaint of Rev. Achille Cremonisi against the Presbytery of Carlisle.

Opinion.

Pursuant to the order of the General Assembly of 1923, requiring that the Presbytery of Carlisle give the Rev. Achille Cremonisi "a full and adequate hearing regarding reflections upon his character, which he avers are preventing him from securing employment as a minister," the Carlisle Presbytery elected a Judicial Commission. This Commission made an investigation by calling the parties before it and then filed charges against the Rev. Achille Cremonisi.

A second Judicial Commission was then elected for the purpose of hearing the case. A trial was held at which the Rev. Cremonisi was present and testified in his own behalf. The Judicial Commission found that the charges were sustained by the evidence produced. From this decision the defendant appealed to the Synod of Pennsylvania where the decision of the lower judicatory was affirmed. Dr. Cremonisi then appealed to the General Assembly. Ordinarily the decision of the Synod is final in such cases, but this matter having been undertaken by direction of the General Assembly this Appeal is entertained. The Commission, after a full hearing, finds that the evidence introduced before the Judicial Commission of the Presbytery fully sustains its findings and the decision of that judicatory is affirmed.

Elder Edward J. Fox and Rev. David H. Johnston, D.D., being members of the Synod of Pennsylvania, took no part in *Case No. 3.*—1924, p. 190.

21. Synod should not assume primary jurisdiction of ministers.

Synod of Atlantic. *Exception.* That is it stated, without explanation, that Rev. R. A. Collingham's name was by vote dropped from the roll. From such Record it would appear that Synod assumed a Presbyterial function.

Your Committee therefore submits that the cause of such action, and also the Constitutional authority and method of procedure in the case, should be made matters of record.—1900, p. 155.

22. Synods to prepare model charters for congregations.

It was *Resolved,* That the several Synods be and they are hereby recommended to consider and examine, and if deemed advisable and practicable, to prepare, adopt, and set forth for use in each respective State and Territory such form of charter of Presbyterian churches and such provisions to be inserted in wills and also in deeds of lands to Presbyterian churches as will safeguard and secure the property of our churches to this denomination, and also be in accordance with the Form of Government of the Presbyterian Church in the U. S. A.—1897, p. 82.

23. Synodical Sustentation and Synodical Home Missions.

[See *Digest,* 1930, Vol. II, p. 666.]

V. The synod shall convene at least once in each year; at the opening of which a sermon shall be delivered by the moderator, or, in case of his absence, by some other member; and every particular session shall be opened and closed with prayer.

1. The above rule construed literally, and must be obeyed.

a. The Records of the Synod of Pittsburgh approved, except "that at the opening of the Synod no sermon was delivered, as the Constitution requires, but on the following evening."—1827, p. 205.

b. The Records of the Synod of Albany, except that "the Synod was opened without a sermon, whereas the Form of Government, Chap. xi, Sec. v, requires that a sermon shall be preached."—1843, p. 181, O. S.

c. The Records of Synod of Buffalo, except that it appears by the Record on page 75 that a meeting of the Synod was opened without a sermon, whereas the Form of Government, Chap. xi, Sec. v, requires that a sermon shall be preached.

And again, on page 79, that at the opening of the Synod no sermon was delivered, as the Constitution requires, but on the following evening, —1856, p. 520, O. S.

2. Sermon must be preached.

Synod of Indian Territory. *Exception.* The Synod was opened with a popular meeting, when two addresses were delivered, instead of a sermon by the moderator or his substitute, as prescribed in the Form of Government.—1900, p. 155.

3. The Records should state that the meetings were opened and closed with prayer.

[NOTE.—See this *Digest*, under Book of Discipline, Chap. ix., Sec. 73, censures of Synods for failing to record the opening or closing with prayer.]

4. Particular sessions to be opened and closed with prayer.

Synod of India. There is no Record that its opening session was constituted with prayer.—1898, p. 138.

Synod of Minnesota. Two sessions were opened without prayer.—1899, p. 131.

Synod of Montana. There is no Record of the opening and closing of the sessions with prayer.—1898, p. 138.

Substantially the same exceptions, Synod of Kansas, 1898, p. 131; Synod of California, 1904, p. 220; and Synod of Atlantic, 1905, p. 212. Synod of North Dakota. Clerk failed to record closing with prayer.—1903, p. 167. Also Synod of Oregon.—1903, p. 167; see also p. 963. Also 1913, p. 269; 1916, pp. 256, 257.

5. Devotional exercises a substitute for opening prayer.

Overture No. 248, from the Synod of Minnesota, on approving Synodical Records. The following answer is recommended: The Assembly orders that when an ecclesiastical court has been opened by devotional exercise this shall be a sufficient substitute for an opening prayer.—1900, p. 73.

VI. It shall be the duty of the synod to keep full and fair records of its proceedings, to submit them annually to the inspection of the General Assembly, and to report to the Assembly the number of its presbyteries, and of the members and alterations of the presbyteries.

[NOTE.—For exceptions to the Records of Synods, see below, and also under Book of Discipline, Chap. ix, Sec. 73.]

1. The Records must be full and fair. Reasons for decisions must be recorded.

a. Synod of Pittsburgh, except resolution on page 74, disapproving of the proceedings of a Presbytery, without assigning the reasons.—1820, p. 728.

b. Synod of Ohio, except a Minute on page 243, disapproving of a decision of a Presbytery, and ordering said Presbytery to reconsider that decision, without any reasons being assigned.—1827, p. 202.

c. The Synod of Onondaga approved with the following exceptions:

On page 186 we find the Synod administering censure to the Presbytery of Cayuga for an act of discipline toward one of its churches, on the ground that the *reasons* for such discipline were not given according to the requirements of our Book of Discipline; yet on the next page we find said Synod reaffirming the acts of a church censured by its Presbytery, and reversing the decision of the Presbytery without giving the required reasons for such a singular proceeding.—1863, p. 277, N. S.

d. The Synod (of Illinois) have not discharged their duty. They ought to have spread upon their Record everything which influenced their judgment in the case.—1840, p. 303, O. S.

[See also 1898, p. 138; 1905, p. 213; 1906, pp. 234, 235.]

2. The subject matter of the Complaints must be recorded.

1. The Records of the Synod of Cincinnati were approved with the following exceptions, that on page 36 the Minute is defective in that a Complaint was received, referred and decided, without any statement with regard to the subject matter of said Complaint.

2. This defect in the Record disables this Assembly from deciding as to the validity of the recorded reasons given for the decision of the Synod in the case on page 37.

3. This defect in the Minutes is the more to be excepted against, inasmuch as it records the implied censure of the complainant, while the Assembly is deprived of the opportunity to pass upon the case.—1866, p. 50, O. S.

3. Reasons for judicial action must be recorded.

a. The Committee appointed to examine the Records of the Synod of Harrisburg reported, recommending their approval, with the exception of the judicial case on pp. 179 and 180, in which the Synod found the Papers of a Complaint in order, and dismissed the case without assigning a reason. The Report was adopted.—1874, p. 85.

b. The Committee on the Records of the Synod of the Pacific reported, recommending their approval with the following exceptions:

That a slight irregularity appears in the proceedings had in the case of the *Complaint* of Rev. Frederic E. Shearer, and others, against the action of the Presbytery of San Francisco, in dropping from the roll the name of Rev. John D. Strong. From p. 532 it appears that the Synod refused to sustain the Complaint, without recording any reason for its action. This exception corresponds with the action of the Assembly on *Paper No. 8* of the Report of the Judicial Committee.—1881, p. 573.

c. The Committee on the Records of the Synod of the Columbia reported, recommending their approval, with the following exception, to wit:

That in the case of an *Appeal* of Rev. Isaac H. Condit *in re* Presbytery of Oregon *vs.* Rev. Harlan P. Peck, it appears that the Synod, after hearing the case and taking its final vote, on notice of an Appeal against the findings of the Synod decided to postpone further action in the case until after hearing the decision of the Assembly, and that "no formal Minute of the action of the Synod was entered upon its Records, and no reasons for its action given." (See Report of Judicial Committee, *Paper No. 11.*)—1881, p. 593.

[NOTE.—See this *Digest*, Book of Discipline, Chap. iv, Sec. 25.]

d. The Committee on the Records of the Synod of Pennsylvania reported, recommending their approval with the following exception:

The Report of the Judicial Commission in the Kellmayer case does not give full particulars, fails to give specifications of errors, and fails to record the reasons for the Synod's judicial action.—1917, p. 254.

4. Synod of Atlantic, defects excepted to and the Synod required to review and correct its proceedings, which were of a judicial character.

The Records of the Synod of Atlantic were approved with the following exceptions:

1. That the Minutes lack in fullness. Important Reports are referred to as on file, which should appear on the Minutes (see pp. 413 and 414) (*Digest*, 1886, 194, 513). On p. 417 a Paper is recorded without reference to its source, or whether it was acted on by the Synod. The Minutes are not complete enough to give the knowledge properly to judge of the proceedings in many cases.

No Report of the Committee on Leave of Absence is made, enabling one to determine the state of the roll after it was made up at the opening of the session.

The Synod omitted to approve the Minutes of the last day of its meeting before sending their Records to the Assembly.

2. The irregularity of its proceedings in entering upon the transaction of business without a quorum.

And also, although a quorum was subsequently present, the issuing of a judicial case by a vote of five to one.

Your Committee would recommend that with respect to the irregularity of its proceedings, this Assembly direct the Synod of Atlantic to review and correct so much of its proceedings as were of a judicial character, in accordance with the provisions of the Book of Discipline (Sec. 75), care being had in such review and correction to the direction of this Assembly in the matter of the Appeal of the Rev. James A. Rainey against the Synod of Atlantic (see p. 144), no part of this recommendation being understood as characterizing the proceedings as other than irregular.—1891, p. 188.

5. Records should show a complete roll and action upon Reports; censure may not be passed without trial or self-accusation.

The Records of the Synod of North Dakota were approved with the following exceptions:

1. The roll of Synod fails to record absentees (*Minutes*, General Assembly, 1882, p. 94).

2. On p. 5 of the Minutes it is stated that the names of additional members were added, but the names were not given, and the Record nowhere shows the completed roll of members in attendance.

3. On pp. 31 and 32 of the Minutes the Report of the Committee on Finance is recorded, but the Record fails to show any action thereon. The Report should in some way have been acted upon or excluded from the Records.

4. We note that in the appointment of Standing Committees of Synod, in four out of seven no elder was appointed, and while we do not make exceptions, we would suggest that it is more in conformity with Presbyterian usage to put elders with ministers on Committees, thus giving proper recognition to the eldership.

5. In the judgment of the Committee, the Synod erred in striking out the exceptions named in the Report of Synod's Committee on the Records

of Minnewaukon Presbytery, and in so doing sustained the action of the Presbytery in adopting the recommendation of its Judicial Committee that a vote of censure should be passed upon the Rev. R. J. Cresswell, without trial and without his coming forward as his own accuser, as provided in Sec. 47 of the Book of Discipline.—1896, pp. 154, 155.

6. Synod of Utah, defects and omissions noted.

Your Committee on Records of the Synod of Utah recommended their approval, except as follows:

The Committee find the Record not in order, in the following particulars:

1. The Synod has failed to heed the order of the Assembly of 1914, concerning conformity to the Form of Government, Chap. xi, Sec. vi (see Assembly *Minutes*, 1914, p. 265), in recording the Report on Foreign Missions.

2. The Report contains matter never brought to the attention of the Synod, viz., "Corporation of Westminster College," pp. 7 and 8, and "Called meeting of the Corporation," p. 12. There are beside "notes" (pp. 6 and 8), which, though matters of interest, are not matters of record.

3. Concerning Committees there is much confusion of terms. What might be more properly called the Committee on Publication and Sunday School Work, is called "Religious Education." What might be more properly called the Committee on "Young People's Work and University of Utah," is called C. E. and U. U.; and said C. E. and U. U. Committee, in reporting to Synod speaks only of university students, a subject more properly under the supervision of the Committee on Education. Furthermore, the Committee on "Equalization of Traveling Expenses," is not mentioned among the Committees appointed by the moderator (p. 5), and yet is recorded as failing to make a Report (p. 22).

4. The Report indicates the violation of the Standing Rules of Synod in disregarding the special order for Thursday, 10 A. M., and Thursday, 3 P. M. (p. 29). Again, the Rules are violated in the adoption of "Home Missions," "Plan of Organization for the Synod of Utah," by amending the Rules without the required notice of one day, previously given. And, again, what appears as "Minutes of the Executive Commission" (p. 5) are not Minutes in the evident sense of the Standing Rules (p. 28), but a Report on the Assembly's Executive Commission.

5. In the Report on "Temperance" (pp. 10 and 11), an endeavor to control the franchise of the people because of failure to support certain legislation, is in contravention of the rights of individuals.—1915, p. 293.

7. Synod may not deny Presbytery the right of appointing Presbyterial Committee to exercise all the functions of a Session.

The Committee on the Minutes of the Synod of Baltimore recommended their approval, with the exception that they call attention to an action of Synod, recorded on p. 49 of said Minutes, with reference to the Minutes of New Castle Presbytery, stating that: "*Whereas*, On p. 380, it appears that a Presbyterial Committee was appointed 'to exercise all the functions of a Session in said congregation,' where all elders had resigned, Synod disapproves the action and gives leave to the Presbytery of New Castle to amend its Record so as to strike out the authorization of said committee 'to exercise all the functions of a Session,' but leaving them as a committee exercising Presbyterial oversight over said congregation."

Your Committee believes said action was unwarranted, inasmuch as a Presbytery which has the right to appoint a Committee, with power and authority to organize a church, to receive members, ordain elders and constitute a Session, also has the power to do the lesser thing of authorizing a Committee to exercise all the functions of a Session.—1915, p. 293. (See p. 226, 3.)

8. The official relation of the Stated Clerk of a judicatory terminates by his removal from its bounds. The custody of the Records is with the Permanent Clerk or the moderator.

Overture, from the Presbytery of Chester, asking whether the Stated Clerk of a Synod who changes his Presbyterial and Synodical connection, terminates thereby his official connection with the Synod as Stated Clerk; and, if so, into whose hands the books, papers and other property of the Synod are to be delivered.

Answer. While the Stated Clerk, whether a member of the judicatory or not, is only its servant, his official relation therewith terminates by his removal beyond its bounds, and the records, books, etc., should go into the hands of the Permanent Clerk, till a successor is elected, and if there be no Permanent Clerk, then into the hands of the moderator.—1895, p. 101.

9. Judicial cases must be described; their character defined and the significance of and reasons for the judgment set forth.

a. The Records of the Synod of Philadelphia were approved, with the following exceptions, viz.:

1. That there is no record of absentees from the meeting.

2. That it appears, from p. 282, that an Appeal and Complaint was issued in the usual form, without any intimation of what the sentence or proceeding was against which the Complaint was made.

3. That it appears, from p. 273, that another Complaint was issued, without any record of the proceeding complained of, or the body whose proceeding was the subject of Complaint.—1852, p. 216, O. S.

b. Exception to the Records of the Synod of Cincinnati. On pp. 6 and 13 a Complaint was received, referred and decided, without any statement in regard to the character of said Complaint.—1865, p. 553, O. S.

c. The Records of the Synod of Pennsylvania were approved with the following exceptions:

1. That in *Judicial Cases Nos. 2, 3* and *6* the cases are not stated in the Records as required (see Moore's *Digest*, 1886, p. 658, 4).

2. That in *Case No. 3* neither the facts in the case nor the judgment was entered upon the Record.—1893, p. 213.

d. The Records of the Synod of Ohio were approved, with the exceptions, viz.:

1. That on p. 77 it is stated that after discussion certain resolutions were adopted as follows. None of these resolutions appear on record, and their character is not described.

2. In a judicial case, on its issue, the final record, containing the sentence of the court, is defective, inasmuch as its statement gives no clue to the merits or significance of the decision, or the reasons for it.—1861, p. 315, O. S.; see 1895, pp. 124, 125.

e. The Committee on the Records of the Synod of Pennsylvania recommended their approval "with the exception of the fact that the particulars in the *Complaint* of the Rev. John Peacock against the Presbytery of Philadelphia North are not fully recorded, in agreement with the requirements of our Form of Government, and the requirements of the *Digest* of 1886."—1889, p. 134.

f. The Records of the Synod of Michigan were approved, with the exception that the Minute on p. 29, taking exception to the Records of the Presbytery of Grand Rapids, does not show the matter of error alleged against the Records of said Presbytery.—1894, p. 181.

[Note.—See this *Digest*, Book of Discipline, "Of Complaints," Secs. 84–93, "Of Appeals," Secs. 94–102.]

10. Judicial cases not included in ordinary review of Records.

a. Synod of Ohio. With the exception of the action taken by the Synod in the case of Wm. J. Massey.—1898, p. 140.

b. Synod of New York. Except in so far as relates to judicial cases before this Assembly.—1899, p. 131.

c. Synod of Pennsylvania. With the exception of the decision in the case of the Church of the Covenant, Williamsport, Pa., acted upon by a Judicial Commission of this Assembly.—1900, p. 156; see also p. 154.

d. Synod of Pennsylvania. The approval of the Record in *Judicial Case No. 1* is conditioned upon the action of this Assembly on the Appeal taken from the Synod's action and now before the Assembly.—1901, p. 166.

11. The subject matter of a Complaint, and the disposal made of it, must be recorded.

a. The Committee on the Records of the Synod of Illinois Central recommended their approval, as far as written, with the following exceptions, viz.:

1. That notice appears on p. 241, of a Complaint made by Rev. Arthur Rose, against the Presbytery of Peoria, which was taken up by the Synod, considered and voted upon, and reasons for the vote were given, while the subject matter of the said Complaint is not recorded. This defect disables this Assembly from deciding as to the validity of the reasons given for the vote of the Synod in this case.

2. It does not appear from their Records whether the Synod took further action upon said Complaint than to vote upon it, and give reasons for that vote; thereby leaving this Assembly in doubt whether the Presbytery complained of was censured, or whether the matter of the Complaint was referred back to them for readjudication, or whether the Synod dropped it entirely.—1878, p. 60; also 1883, p. 688.

b. The Records of the Synod of Baltimore were approved, with the exception that on pp. 327 and 348 the Synod records the issuing of *Ju-*

dicial Cases Nos. 1 and *2*, but in neither case is the subject matter of the Complaint recorded, and the Assembly is left without the means of knowing what was decided. This is not "a full and fair record of its proceedings," as required by the Form of Government, Chap. xi, Sec. vi. (See Moore's *Digest*, 1886, p. 194, 1, **c** and **g**; also *Minutes* of the General Assembly, 1878, p. 60.)

Inasmuch as the Synod is now, in most cases, the final appellate judicatory, it is essential to the right discharge of the duty of review and control by the Assembly that an intelligible statement be made by the Synods of every case judicially decided by them.—1885, p. 661.

c. Synod of Illinois. There is no intimation given as regards the subject matter of grievance. Your Committee is unable to form any opinion as to whether such action was taken upon Constitutional grounds.—1899, p. 130.

d. Synod of Atlantic. That the Record of the judicial case of Appeal and Complaint from McClelland Presbytery is incomplete, in that it nowhere indicates the nature of the Appeal and Complaint or the contents of specifications referred to as "specifications 1–9" and "1–3", and the Committee recommends that the Synod be instructed so to correct the Minutes that they shall clearly reveal the nature of the case and the findings of the judicatory.—1905, p. 212.

12. The Synod directed to correct its Records so as to conform to the facts in the case.

The Records of the Synod of Nebraska were approved with the following exceptions, viz:

1. The mistake in the date of the year, beginning on p. 22, and running to the end of the Minutes; which mistake the Stated Clerk of said Synod is hereby directed to correct.

2. The Record in the judicial proceedings in the case of Rev. W. R. Smith, appellant, against the Presbytery of Hastings (p. 35); which Record is defective in the following particulars, viz.:

(1) There is nothing in the Record to show the grounds of Appeal.

(2) The Record does not show that both of the original parties were heard on the question of sustaining the Appeal, and that the roll of the Synod was called to give members an opportunity to express their opinion upon the case.

3. There is no record whatever of any vote upon the question of sustaining the appeal; and the words, "Synod resolved to *entertain* the appeal," are wholly inappropriate and insufficient to express the final decision of the Synod upon that question.

Your Committee recommend that the said Synod be directed to correct these defects so that the Record shall conform to the actual facts in the case.—1885, p. 662.

[NOTE.—See Book of Discipline, Chap. ix, Sec. 99, Subsec. 4.]

13. Order expunging certain portions must be obeyed.

We recommend the approval of the records of the Synod of Kansas, providing certain portions are expunged as ordered by the General Assembly.—1923, p. 337.

14. A special Record must be sent up of all judicial decisions.

In view of the importance of the judicial decisions made by Synods and Synodical Commissions, the Synods are enjoined to send up to the Assembly, in special communications, all Records of such decisions.—1885, p. 662.

[NOTE.—See *Minutes*, 1886, p. 72; 1887, pp. 68, 74; 1890, pp. 129, 130.]

15. The Records should be fair. Corrections may not be made after their review by the Assembly.

The Committee on the Records of the Synod of Atlantic presented the following Report, which was adopted:

The Committee respectfully report to the General Assembly:

That the Record book of the Synod of Atlantic placed in their hands has been found to contain eight and one-half pages of *printed* matter which professedly set forth the transactions of this Synod during a session held in December, 1877; at the end of which printed matter a name appears as that of the Stated Clerk, as "Attest," but in print only. No written account of the proceedings or of any part of them is found.

In the judgment of your Committee, therefore, the Record required by our Form of Government (see Chap. xi, Sec. vi) has not been sent up for review by the Assembly; what appears to be a copy of their transactions has been placed in the Record book.

Your Committee could not feel justified if they should recommend the approval of this *copy*, although on learning from other sources that the printed matter is a copy, they have not questioned its correctness, and have examined carefully what has been sent up in this form.

If the transactions of this session of the Synod of Atlantic had been found recorded, your Committee would have recommended their approval with the following important exception: on p. 98 of the Record book appears the statement that the Minutes, approved by the Assembly of 1876, were, *after* that endorsement, corrected by the Synod themselves at this session of 1877. Nor are the corrections specified or indicated.

Under a sense of the great importance of accuracy in the Records of our Church judicatories, and of their preservation in written form intact after their examination and endorsement by the Assembly, your Committee, while commending the excellent spirit of devotion and labor apparent in the matter offered for review by this Synod as regards their efforts for the Church and for the elevation of their race, respectfully recommend to the Assembly the adoption of the following resolutions:

1. That the Synod of Atlantic be and hereby are directed to record the Minutes of the session of December, 1877, and submit the Record to the next General Assembly.
2. That this Synod report to the next Assembly the corrections appearing to have been made to their Minutes *after* their review by the previous Assembly of 1877.—1878, p. 52.

16. Sundry omissions and irregularities censured.

The Records of the Synod of Wisconsin were approved, with the following exceptions, viz.:

1. The Records are marked by several verbal omissions and the neglect

of orthography and punctuation, and the absentees of 1852–1853 are not recorded.

2. During the sessions of 1852 there is no evidence that the Synod read, corrected or approved the Records, though on page 16 it appears that the Records of that year were read twelve months after in Synod, though still there is no evidence that they were approved by it. The Minutes of 1853 do not appear to have been ever read or approved in Synod. And the Records of 1854 were not read and approved till the meeting of 1855.

3. On page 23 it appears that the Synod, October 13, 1853, adjourned to meet at Neenah the second Thursday of October, 1854. A quorum having failed to meet at that time, the members present adjourned to a *different time and place* (Madison, October 26), and there is no evidence that any steps were taken to cause their moderator to notify all the ministers and church Sessions of the new meeting. This is contrary to the spirit of the precedents approved by the Assembly (see *Minutes*, 1796, p. 113; Baird, p. 212), and transcends the liberty allowed for such cases by the third general rule for judicatories.

4. On pp. 23, 27 and 32, are recorded adjournments without any evidence that the sessions were closed with prayer.

5. On pp. 35, 36, the Report of a Committee of Review on the Records of the Presbytery of Dane, containing an exception against the action of the Presbytery for appointing Rev. J. W. Sterling its *lay* commissioner to the General Assembly, is entered on the Records of Synod without any record of its adoption by Synod; and again it is stated that this Report was amended by striking out the exception, and there is still no evidence of its adoption as amended. Also, on pp. 39, 40, the Report of a Committee touching the Complaints of J. Y. Smith is made a part of the Records of Synod, though, so far as these Records show, it was only *accepted* and *laid on the table.*

6. The Records of the Synod's action on the Complaints of said J. Y. Smith against the Presbytery of Dane are not complete enough to fulfill the demands of the Book of Discipline, (Old) Chap. iv, Sec. xxiii (New, Chap. iv, Sec. 25), which says that the Record ought to "exhibit everything which had an influence on the judgment of the court." No exception is proposed against the *action* of Synod touching those Complaints, inasmuch as they have been brought before this Assembly through another channel (the Judicial Committee) and passed upon.—1856, p. 520, O. S.

17. Papers must be preserved, pages numbered.

The Committee on the Records of the Synod of Wisconsin presented the following Report, which was adopted:

The Committee on the Records of the Synod of Wisconsin report, recommending their approval as far as written, with these exceptions, viz.:

1. The pages are not numbered.

2. There seems to have been a want of proper care in the preservation of Papers, as the Committee on the Minutes of the General Assembly made a verbal Report which was accepted, but the Report is wanting. This thing

the Synod itself condemns in the case of the Presbytery of Dane.—1865, p. 541, O. S.

18. Overture answered must be described.

The Committee on the Records of the Synod of Pittsburgh presented the following Report, which was adopted:

The Committee on the Records of the Synod of Pittsburgh report, recommending their approval, with exception of a Minute, p. 152, of the Records, where an Overture from the United Presbyterian Synod of Pittsburgh appears to have been answered without any description being given to it.—1865, p. 541, O. S.

19. The Record must state the character of a Complaint and whether due notice was given. Reports adopted must be recorded. Record must be made of action taken.

a. The Records of the Synod of the Columbia were approved with the following exceptions, viz.:

1. That a Complaint was received and issued against the Presbytery of Oregon in the usual form, without statement in regard to the character of said Complaint.

2. That the Records do not show whether notice of said Complaint was given to the Presbytery of Oregon, either before its rising or within ten days thereafter.

3. That a Report was recommitted to the Committee of Bills and Overtures, and no record is made of its further disposition (p. 261).

4. That the Report of the Committee on Home Missions, Indian Affairs, and Church Erection, with recommendations, was adopted, and no record is made of the recommendations, or even upon which, if any, of the three different parts the Report was made.—1883, p. 688.

b. The Minutes of the Synod of Minnesota were approved, with the following exception:

In several instances the written Minutes merely state that Reports are made, which Reports were received and adopted, while the Minutes show that such Reports contained important recommendations or resolutions. —1884, p. 116.

c. The Records of the Synod of Missouri were approved, with this exception, to wit:

The Report of the Standing Committee on Schools and Colleges is entered in full upon the Records, pp. 333 to 335, but no action of the Synod with respect to this Report is recorded.—1883, p. 688.

d. The Records of the Synod of Texas were approved, with the exception: That on pp. 223 and 224, the Record is made of the approval of Reports of Committees on Systematic Beneficence, Publication and Foreign Missions, but no record of the Reports themselves, nor of their having been placed on file.—1890, p. 105.

e. The Records of the Synod of South Dakota were approved with the exception that the Report of the Committee on Home Missions, after being adopted, was recorded only "substantially" instead of in full.—1894, p. 181.

f. The Records of the Synod of Kansas, except that in three places, viz., pp. 346, 347, it is stated that the Report of a certain Committee was adopted, but the Report itself is not given either in form or substance.—1895, p. 124.

g. The Records of the Synod of North Dakota for 1893 and 1894 were approved, with the following exceptions:

Minutes of 1893: 1. That the written Reports of the Committees are not attached to the Minutes, and that the resolutions and recommendations of the same are not written up and embodied in the Minutes.

2. That the Report of the Synodical missionary referred to on p. 6, as filed under N, does not appear in the Minutes, nor on the file.

3. That the exceptions of the Synod's Committee on the Minutes of the Presbytery of Bismarck (see p. 6) do not appear in the Minutes of the Synod, and are not clearly written upon the file.

Minutes of 1894: That the Treasurer's Report, p. 18, is neither attached to the Minutes nor on file.—1895, pp. 124, 125.

h. We recommend that the records of Synod of Minnesota (Welsh) be approved with the following exceptions:

The minutes do not give the names of the ministers and elders in attendance. The minutes do not state that a sermon was preached at the opening, but says, "Devotional Exercises were conducted." The minutes do not state that Synod was closed with prayer.—1923, p. 337.

i. Synod of Texas. The Committee on the Records of Trinity Presbytery reported, recommending their approval with an exception, and Synod adopted the Reports without recording the exception or explaining it in any way. The exception should be placed on record in the Minutes. —1901, p. 167.

j. Synod of Nebraska. Exception is taken to the Records of the Presbytery of Niobrara, without recording the exceptions.—1902, p. 169.

k. Synod of Catawba. The Records fail to show that the Minutes of the last day's session were approved by the Synod.—1906, p. 234.

20. Result of examination of Presbyterial records should be recorded.

There is an apparent oversight or irregularity in the actions recorded on pp. 46 and 54 regarding Presbyterial Records, since with the reconsideration of a portion of the report no approval or disapproval is recorded of the records of the Presbyteries of Detroit, Flint, Grand Rapids, Lake Superior, Petoskey, and Saginaw.—1926, p. 258.

21. Spelling may be variable.

Synod of Atlantic. Orthography is not always the proper subject of exception.—1902, p. 169.

22. The Records must be presented annually.

a. *Ordered*, That the Minutes of the respective Synods be laid yearly before the General Assembly, to be by them revised.—1789, p. 7.

b. *Overture No. 6* was taken up, viz., a request of the Synod of Indiana, that the General Assembly be requested to dispense with Synodical Reports in future.

Resolved, That this request cannot be granted because it is unconstitutional.—1830, p. 302.

c. *Resolved*, That the respective Synods make yearly Reports to the General Assembly of all the licensures, ordinations and installments, translations and deaths, and whatever changes may take place among the members within their bounds.—1789, p. 7.

[Note.—See under Book of Discipline, Chap. ix, Sec. 72.]

d. The Committee on the Records of the Synod of Wisconsin reported that they have been subjected to an increased amount of labor in examining the Minutes of this Synod in consequence of the failure of the Stated Clerk to send up the Records annually to the Assembly, as our rules require. The Minutes of this body have not been brought under the inspection of the Assembly since May, 1860, leaving an accumulation of four years of unexamined and unapproved Records.

There are indications that the Stated Clerk has been delinquent in punctually recording the annual Minutes as taken by the temporary clerk. In this way the Records were probably not in readiness to be sent to the Assembly at the proper time by the commissioners annually appointed.—1864, p. 482, N. S. [See 1856, p. 519, O. S.]

e. Records of the Synod of Wabash approved, except that they have not been presented to the Assembly since 1859.—1861, p. 462, N. S.

f. Records of Synod of Columbus, except that these Records have not been presented to the Assembly since the reconstruction of the Synod in 1870.—1872, p. 68. See also, 1868, p. 15. N. S.; 1872, p. 68; 1898, p. 138.

g. Synod of Baltimore. No certified copy of the Minutes present in the Assembly. Directed to send a certified copy of its Minutes to the next Assembly.—1884, p. 116.

23. The Synod of Tennessee directed to expunge certain matter.

That the attention of the Synod is called to the unhappy wording of a resolution on the inspiration of the Scriptures found on p. 223, and the Synod is directed to expunge the second clause of said resolution, beginning with the words, "and if there are any errors."—1895, p. 125.

24. Absentees must be called to answer, and reasons given for tardiness.

a. The Committee appointed to examine the Records of the Synod of Virginia reported, and the book was approved to p. 83, with the exception of a resolution found on p. 82, in which the Synod determined to discontinue the practice of calling upon their members for the reasons of their absence from its meetings.—1825, p. 140.

b. Synod of New York, except "that reasons for tardiness do not appear to have been required of those who were not present at the opening of Synod."—1873, p. 506.

[See also 1898, p. 140; 1899, pp. 130, 131.]

25. Names of absentees should be recorded, and excuse for absence required.

a. The Records of the Synod of Peoria were approved, except "that in the roll of the Synod record is made that no members of the Presbytery of Belvidere were present, but no record of the names of absentees."—1850, p. 314, N. S.

b. The Records of the Synod of Mississippi approved, except "that the absentees are not recorded in their meetings of 1854 and 1855."—1856, p. 538, O. S.

c. Synod of North Dakota. On p. 5 of the Minutes, it is stated that the names of additional members were enrolled, but the names are not given, and the roll nowhere shows the completed roll of members in attendance.—1896, p. 154.

26. Synod may not suspend absentees without trial.

The Records of the Synod of the Carolinas were approved, with the exception of the resolution to make a minister liable to suspension, without trial, for three years' absence from Synod, without sending forward his reason for absence.—1811, p. 468.

27. Results of final roll call to be recorded.

a. Synod of North Dakota (1896, 1897). The result of the final roll call previous to adjournment is not recorded.—1898, p. 139.

b. Synod of Indian Territory. There was no final roll call prior to adjournment, that the names of absentees unexcused might be recorded, if any such there should be.—1900, p. 155.

28. Delegated Synods only required to record names of absent commissioners.

Paper 6, being a request from the Stated Clerk of the Synod of Baltimore for an answer to the question, "Whether the omission of the names of members of Synod not in attendance on that body constitutes ground for an exception to the minutes."

We recommend that in all Synods that are delegated bodies, the recording of the names of absent commissioners be required, and that in Synods which are not delegated bodies the recording of absentees be not required. —1925, p. 67.

29. Churches not represented must be recorded.

a. Synod of North Dakota. There is no record of the churches that are unrepresented, nor, in most cases, of the respective churches which the elders represent.—1898, p. 138.

b. Synod of New Mexico. The particular churches not represented are not recorded.—1900, p. 155.

30. The Minutes should be read and approved.

a. Synod of Wabash, except "that on pp. 51 and 52 the Synod met and proceeded to business without reading the Minutes of the previous day's session. On page 59, the Synod closed its annual sessions and adjourned without reading or approving the Minutes of the Clerk."—1854 p. 500, N. S.

b. The Records of the Synod of Wisconsin, except that "during the sessions of 1852 there is no evidence that the Synod read, corrected or approved the Records; though on p. 16 it appears that the Records of that year were read twelve months after, in Synod, though still there is no evidence that they were approved by it. The Minutes of 1853 do not appear to have been ever read or approved in Synod. And the Records of 1854 were not read and approved till the meeting of 1855."—1856, p. 520, O. S.

31. No second approval of the Minutes is required.

Overtures from the Presbyteries of Kittanning and Butler, asking whether it is necessary formally to approve, after they are engrossed, Minutes which were approved before they were engrossed? Your Committee recommend that the answer be as follows:

It is the regular custom of our Presbyteries to read all Minutes at the close of the session from the original copy for approval, and to record such approval in the Minutes themselves. It is usual to read the engrossed copy at the next session of Presbytery for information, and if clerical errors be discovered they should be corrected by resolution, but no second resolution for the approval of said Minutes is or should be required.—1892, p. 188. See also, 1901, p. 166.

32. The Minutes must be attested by the Stated or Permanent Clerk.

The Records of the Synod of Erie approved, except that they lack attestation by the signature of either the Stated oı Permanent Clerk.—1882, p. 94; 1854, pp. 500, 501, N. S.; 1862, p. 28, N. S.

The Committee on the Records of the Synod of Tennessee reported that, having examined these Records, they found them well kept and in good order; they have, however, only the attestation of the Temporary Clerks. This is due to the sad fact that the Stated Clerk, the Rev. T. J. Lamar, was seriously sick at home during the meeting of the Synod, and died soon after. Your Committee therefore recommend that the attestation of the temporary clerks be accepted and the Minutes approved.—1871, p. 131.

33. Certification of previous Minutes to be recorded in new book.

Synod of Texas. As these Records are in a new book and the old book not present in the house and no attestation by the clerk that the previous Minutes up to this date had been examined and approved by the Assembly, the Committee are without voucher to that fact. We think this omission should be supplied to complete the Record.—1901, p. 167.

34. Regulations as to certification to be complied with.

a. Synod of Illinois. It is permitted by the General Assembly that printed Minutes of Synod may be presented to the General Assembly. But it is directed that in such cases blank pages be appended to the printed Minutes. The Minutes of Synod fail to comply with this direction.—1899, p. 130.

b. Synod of New Mexico. There are no blank pages for the recording of the General Assembly's certificate of approval.—1900, p. 156.

c. Synods of Montana and South Dakota. The regulation as to certification should be complied with.—1904, p. 221.

35. Commissions should not be appointed to approve the Minutes.

Synod of Texas. Upon the last day of the sessions of the Synod a Commission was appointed to "read, correct, and approve the Minutes." The Minutes of the preceding days had already been approved. After adjournment the Commission performed their duties, according to the attestation of the temporary clerk. The propriety of this mode of procedure is questioned.—1898, p. 140.

36. Stated Clerk should not be appointed to examine Minutes.

New York. The action of the Synod "on request of the Stated Clerk of" the Presbytery of Brooklyn-Nassau in permitting the Stated Clerk of Synod to review its minutes and to "submit them with approval and exceptions, if any, to the Moderator for signature" is in our opinion irregular and not to be encouraged.—1926, p. 258.

37. Permission to present printed Records: conditions prescribed.

Overtures from the Synod of Iowa, requesting permission to keep its Records hereafter in printed instead of written form; and from the Stated Clerks of several of the Synods, presenting a similar request, and asking that some uniform plan be adopted for the guidance of the Synods in this matter.

The Committee recommends that any Synod, which shall so elect, be authorized to keep its Minutes in printed form, and to dispense with written Records; provided,

(1) That such printed Minutes be complete and accurate in all details.

(2) That they be uniform as to size of page with the *Minutes* of the Assembly.

(3) That the copy submitted by each Synod to the Assembly for review be attested by the certificate of the Stated Clerk of the Synod in writing; and that blank pages be left at the end for recording any exceptions that may be taken.

(4) That at least two additional copies of each and every issue be transmitted to the Stated Clerk of the Assembly, and two deposited in the Library of the Presbyterian Historical Society.—1884, p. 75.

38. All the Church judicatories may follow the above rule.

From the Synod of New York, asking whether the principle established in relation to the Records of Synods (*Minutes*, 1884, p. 75) does not apply to those of Presbyteries also.

Answer in the affirmative. All our Church courts may follow the same rule, only observing with care the provisos 1, 2, 3 and 4 above.—1889, p. 101.

[NOTE.—See under Book of Discipline, Chap. ix, Sec. 72.]

39. The prescribed conditions must be complied with.

a. The Committee on the Records of the Synod of China reported that the printed copy submitted does not conform to the conditions required by the Assembly, as given in the *Minutes* (p. 512), with reference to printed Records, viz.:

1. "That they be uniform as to size of page with the *Minutes* of the Assembly.

2. "That the copy submitted by each Synod to the Assembly for review be attested by the certificate of the Stated Clerk of the Synod *in writing*, and that blank pages be left at the end for recording any exceptions that may be taken."

Your Committee therefore recommend that the copy of the Minutes of the Synod of China be returned to the Stated Clerk of said Synod for correction, in accordance with the above rules, and that it be presented for examination to the next General Assembly.—1889, p. 133.

b. The Committee on the Records of the Synod of India recommended their approval with the exceptions: 1. That the certificate of the Stated Clerk is not affixed in writing. 2. That no blank pages have been left for corrections, as is required in the case of Records presented in print (*Digest*, 1886, p. 513).—1889, p. 133.

c. The Committee on the Records of the Synod of Michigan recommended their approval with the exceptions: 1. As the Minutes are printed, they are not attested by the certificate of the Stated Clerk in writing. 2. There is no blank page for the recording of the Assembly's approval.—1889, p. 133.

d. The Records of the Synod of Baltimore were approved with the following exception: That the printed copy submitted to your Committee, though properly certified, does not correspond to the General Assembly's requirements in two other particulars, viz.: (*a*) In that the pages are not conformable in size to those of the General Assembly's *Minutes*; (b) though a leaf of writing paper has been pasted in, blank pages have not been left as required, in the make-up of the printed copy, for the recording of exceptions. —1890, p. 105.

40. Translation of printed copy accepted.

Synod of North China. That the translation presented to the Assembly in lieu of the printed copy of the Minutes be accepted and approved. That the Synod be requested hereafter to transmit to the Assembly a printed copy of the Minutes in the native tongue, together with a translation thereof. —1904, p. 220.

41. As to Records in book and proof-sheet form.

The Committee on the Records of the Synod of California reported, recommending their approval, with the exception that the book in which they are printed is not of the required size.

The Committee on the Records of the Synod of Indiana reported, recommending their approval, with the following suggestions:

On p. 39, there is record of the approval of the Minutes by a Presbytery in "proof-sheet" form, with instruction to the moderator of Synod, to give them official approval when the book was fully printed. Attention is called to the fact that such approval can hardly be safe, and that the Presbytery might wisely have been directed under the circumstances to present the completed copy of the Minutes at the next meeting of Synod. —1914, p. 264.

42. Effecting correction in Records already approved.

a. A request from the Synod of New York for permission to amend its Records. It is recommended that the request be granted.—1900, p. 82.

b. Synod of New Mexico. After the General Assembly had passed upon the Minutes of said Synod of 1898, approving them without exception the Synod appointed a Committee to compare the printed copy with the written Record, who reported that "many minor differences had been discovered." The Record fails to state the importance of these "many minor differences," but shows that the Synod then adopted the written Record, which was not approved by the General Assembly, instead of the printed Record which had been so approved. This shows that the Synod did not in 1898 send an exact transcript of its Minutes to the General Assembly, and for that year their Record does not contain the certificate of approval by the General Assembly. Further, the Synod is not competent to change its Record after it has been approved by the General Assembly, without permission of the Assembly.—1900, p. 155.

c. Synod of Atlantic. In the matter of the request for the correction of a manifest error in the Records approved by the last General Assembly, it is recommended that the request be granted.—1902, p. 169.

d. Matter of alleged error should be recorded.—1894, p. 181.

43. Synodical Reports to the Assembly.

A Statistical Report is to be forwarded to the Assembly by the Stated Clerk of every Synod, in which are to be stated the number of Presbyteries, ministers, churches, licentiates and candidates, within their bounds, and how distributed, the changes which may have been made in the number or arrangement of their Presbyteries, the names of the Stated Clerks of the Presbyteries, the place and hour of the next annual meeting, and the name of the moderator and Stated Clerk of the Synod. Such a Report is necessary in order to the correctness of the tabular report of the Synods printed in the appendix to the *Minutes.*

CHAPTER XII

OF THE GENERAL ASSEMBLY.*

I. The General Assembly is the highest judicatory of the Presbyterian Church. It shall represent, in one body, all the particular churches of this denomination; and shall bear the title of THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

* The radical principles of Presbyterian church government and discipline are:—That the several different congregations of believers, taken collectively, constitute one Church of Christ, called emphatically the Church;—that a larger part of the church, or a representation of it, should govern a smaller, or determine matters of controversy which arise therein; that, in like manner, a representation of the whole should govern and determine in regard to every part, and to all the parts united; that is, that a majority shall govern; and consequently that appeals may be carried from lower to higher judicatories, till they be finally decided by the collected wisdom and united voice of the whole Church. For these principles and this procedure, the example of the apostles, and the practice of the primitive Church, are considered as authority. See Acts xv, 1–29, xvi. 4, and the proofs adduced under the last three chapters.

1. Formation of the General Assembly.

a. The Synod, considering the number and extent of the churches under their care, and the inconvenience of the present mode of government by one Synod,

Resolved, That this Synod will establish out of its own body three or more subordinate Synods, out of which shall be composed a General Assembly, Synod or Council, agreeably to a system hereafter to be adopted. —1786, p. 517.

b. *Resolved unanimously*, That this Synod be divided, and it is hereby divided, into four Synods, agreeably to an Act made and provided for that purpose in the sessions of Synod in the year one thousand seven hundred and eighty-six; and that this division shall commence on the dissolution of the present Synod.

Resolved, That the first meeting of the General Assembly, to be constituted out of the above said four Synods, be held, and it is hereby appointed to be held, on the third Thursday of May, one thousand seven hundred and eighty-nine, in the Second Presbyterian Church in the city of Philadelphia, at eleven o'clock A. M.; and that Dr. Witherspoon, or, in his absence, Dr. Rogers, open the General Assembly with a sermon, and preside till a Moderator be chosen.—1788, p. 548.

[NOTE 1.—For rules regulating the organization of the General Assembly, the election of its Moderator, and the conduct of its business, see this *Digest*, pp. 363, 371, and also the Manual of the General Assembly.]

[NOTE 2.—For successive actions recording the development of the Committee scheme of the General Assembly see *Digest* of 1907, p. 273, *et seq.* For names and functions of Committees as at present constituted, see p. 367, of this *Digest*, Standing Rules in Annual *Minutes* of General Assembly, and Manual of the General Assembly.]

2. Standing Committees of each Assembly.

[NOTE.—The Committees appointed at the beginning of each Assembly are designated as "Standing Committees."]

The Standing and Permanent Committees of the judicatories should consist of ordained men.

Overture No. 58, from the Presbytery of Cincinnati: May a judicatory of the Presbyterian Church, such as a Presbytery, place unordained men on its Standing and Permanent Committees? The Committee recommend that a negative answer be returned.—1896, p. 145.

II. The General Assembly shall consist of an equal delegation of bishops and elders from each presbytery, in the following proportion; viz.: each presbytery consisting of not more than twenty-four ministers, shall send one minister and one elder; and each presbytery consisting of more than twenty-four ministers, shall send one minister and one elder for each additional twenty-four ministers, or for each additional fractional number of ministers not less than twelve; and these delegates, so appointed, shall be styled, Commissioners to the General Assembly.

[NOTE.—As amended, 1884, p. 103; 1885, pp. 629, 630. See this *Digest* under Form of Government, Chap. xxii.]

1. Historical Statement.

The General Assembly of the Presbyterian Church in the United States of America met for the first time and was organized in Philadelphia, May 21, 1789.

The roll of the Assembly shows that there were present twenty-three ministers and eleven elders as qualified Commissioners.

Twenty-nine years later, *i.e.*, in 1818, the General Assembly again met in annual session in Philadelphia, as was the custom for a good many years. At this meeting there was an enrollment of seventy-two ministers and twenty-nine elders. Towards the close of the sessions the following action was taken:

"The General Assembly, taking into consideration the great number of delegates that compose their body, and believing that a diminution of the number will contribute to equalize the representation from all our Presbyteries, as well as facilitate the dispatch of business, and lessen the expense incurred by the Commissioners, on motion: *Resolved*, That it be recommended to the Presbyteries to alter the ratio of representation," etc.—Min. G. A., 1818, p. 691.

And to the credit of the Presbyteries it is recorded in the *Minutes* of the following year that thirty-five Presbyteries voted in favor of reduced representation, and not one opposed. The Church of this early day had the courage of its convictions.

In an ever advancing and enlarging Church, however, this question of reduced representation in the General Assembly has periodically presented itself. In the Assembly of 1825 it appeared again and the representation was further reduced, and likewise in 1832.

In the Assembly of 1878 a careful and detailed study of the whole question of representation in the General Assembly was made, both as to the basis on which the Commissioners were to be chosen, and as to a reduction in numbers. The proposals to the Presbyteries for changes were so radical, however, that they were all rejected; but in 1885 a slight change in the direction of reduction was effected, and from that year to the present time (1930) no alteration has been made. Individual Presbyteries and sometimes groups of them have overtured the General Assembly many, many times during these forty years intervening, but a majority has never been willing to adopt the changes proposed. The last concerted effort in this direction was made in the Assembly of 1924 (*Minutes*, pp. 153–156), where another careful analysis of the whole situation was presented, concluding in part with these rather despairing words: "Steadily, for the past fifty years, committees have been appointed, plans have been presented, efforts have been made to reduce the size of the Assembly. Some of the plans presented seem to your committee to have been admirably adapted to the needs, and worthy of adoption. Unless there is a determination to reduce the size of the Assembly as a necessity and a duty, there is no use in presenting other schemes."

Notwithstanding the strong appeal of this recent Assembly, the Presbyteries voted 179 to 93 against the *Overture* proposing a reduction in representation. The roll of the last Assembly shows a list of 940 commissioners present, while that of fifty years ago records 552. The problem, therefore, still remains whether the General Assembly shall be reduced in numbers, and if so—how.

2. The former ratios of representation.

That every Presbytery shall, at their last stated meeting preceding the meeting of the General Assembly, depute to the General Assembly commissioners in the following proportion: each Presbytery consisting of not more than six ministers shall send one minister and one elder; each Presbytery consisting of more than six ministers and not more than twelve shall send two ministers and two elders, and so in the same proportion for every six ministers.—1786, p. 524.

In 1819, p. 700, the ratio was altered by substituting the word nine for the word six, and the word eighteen in place of the word twelve. In 1826, p. 168, the ratio was increased from nine to twelve and from eighteen to twenty-four. In 1833, p. 401, the ratio was made as follows, viz., each Presbytery consisting of not more than twenty-four ministers, shall send one minister and one elder; and each Presbytery consisting of more than twenty-four ministers, shall send two ministers and two elders; and in the like proportion for every twenty-four ministers in each Presbytery.

The ratio as above was adopted.—1885, p. 630.

3. Where a Presbytery sends more than its proper representation, the last elected are refused.

The right of two persons to a seat in the Assembly from the Presbytery of Portage was questioned, whereupon their case was referred to the Committee of Elections. After considering the subject, the Committee reported that the names of the minister and elder last appointed should be erased, because the Presbytery is entitled to no more than two commissioners.—1835, p. 466.

4. Sec. ii is mandatory both as to the proportion of ministers and elders, and as to sending the full number.

Overture from the Presbytery of Baltimore, asking, "Is the provision of the Form of Government (Chap. xii, Sec. ii) for sending commissioners to the General Assembly by each Presbytery mandatory or discretionary? 1. As to sending an equal number of bishops and elders? 2. As to sending the full number to which each Presbytery is entitled?"

Answer: Mandatory as to both.—1890, p. 46.

5. An elder who is a member of a church under the care of the Presbytery may be elected.

Overture from the Presbytery of Holston, asking, would the election of a ruling elder as a commissioner to the General Assembly be valid, if at the time of his election he were not in the Presbytery electing him? Such election would be valid, if he is a member of a church under the care of Presbytery.—1889, p. 102.

6. Corresponding members. Ministers casually present not invited.

Upon motion, it was agreed that, *Whereas* this Assembly, copying the example of their predecessors, have admitted several ministers who are not commissioners to join in their deliberations and conclusions, but not to vote on any question, and although this Assembly has been much indebted to the wise counsels and friendly assistance of these corresponding ministers, nevertheless, on mature deliberation, it was

Resolved, As the opinion of this house,

1. That no delegated body has a right to transfer its powers, or any part thereof, unless express provision is in its Constitution.

2. That this Assembly is a delegated body, and no such provision is in its Constitution.—1791, p. 42.

7. Delegates from corresponding bodies.

At first these were not allowed to vote, but in 1794 the Assembly asked, and the General Association of Connecticut acceded to the request, that the delegates from these bodies respectively shall have a right not only to sit and deliberate, but also to vote, on all questions which may be determined by either of them.—1794, p. 80; 1795, p. 96.

The Assembly afterward (1827) asked that the right of voting be given up, and since 1830 corresponding members have the right only to sit and deliberate, but not to vote.

8. Secretaries of the Boards and Permanent Committees, with Stated and Permanent Clerks, have the privileges of corresponding members.

a. *Resolved*, That it be a Standing Rule of the Assembly that the Secretary of any of the Permanent Committees shall be entitled to the same privilege as the delegates from corresponding bodies, while the business entrusted to that Committee is under consideration in the house.

The Assembly voted that the same privilege be extended to the Stated and Permanent Clerks in reference to matters pertaining to their official duties.—1858, p. 581, N. S.

b. *Resolved*, That all the Secretaries of the Boards of the Church have the privilege of corresponding members of the General Assembly, in discussions bearing upon the interests of the Boards which they severally represent.—1870, p. 85.

[NOTE.—Privilege of Corresponding Members: "Such members shall be entitled to deliberate and advise, but not to vote in any decisions." Form of Government, Chap. x, Sec. xi. See this *Digest*, p. 237.]

9. To exclude from the rights of membership pending process.

a. That as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly, therefore

Resolved, That agreeably to a principle laid down, Chap. v, Sec. ix, of the Book of Discipline (Old), the members of said judicatories be excluded from a seat in the next Assembly until their case shall be decided. Adopted by yeas 128, nays 122.—1837, p. 425.

b. The Assembly of 1866, O. S., excluded the commissioners from Louisville Presbytery from a seat until the Assembly should decide upon the conduct of their Presbytery.—1866, p. 12. O. S.

[NOTE.—See also Book of Discipline, Chap. vi, Sec. 40.]

10. To expel a commissioner from membership.

Mr. Galloway rose to a question of privilege, and read an article from the *Ohio Statesman*, reflecting severely upon his character and that of the General Assembly, which article he attributed to the Rev. W. M. Ferguson, a member of this house.

Dr. Krebs offered the following:

Resolved, That unless the Rev. William M. Ferguson forthwith retract the offensive publication, and make an ample apology to the satisfaction of this house, he be immediately expelled.

The Moderator having waited a suitable length of time for an explanation or retraction, and Mr. Ferguson having declined to speak, the Moderator took the vote, and the resolution was adopted, when the Moderator declared Mr. Ferguson to be expelled from the Assembly.

Mr. Ferguson having declared that he had not understood that an explanation at that time was demanded, the vote was, on motion of Dr. Krebs, reconsidered, in order to renew to Mr. Ferguson the opportunity he had failed to use before the resolution to expel him was adopted. Mr. Ferguson then rose and explained, after which Mr. McKnight offered the following as an amendment to the motion of Dr. Krebs:

Resolved, That the Rev. William M. Ferguson, a commissioner to this General Assembly, because of a gross, abusive and scandalous libel, published in the *Ohio Statesman*, on members of this body, which he has now qualified in the presence of this Assembly, is entitled to and does hereby receive the grave censure of this Assembly.

Various resolutions to substitute, to amend and to commit were proposed, which were all laid upon the table in order that by general consent Dr. Krebs might offer the following resolution, viz.:

Resolved, That whereas the Rev. W. M. Ferguson, a commissioner to this General Assembly from the Presbytery of Zanesville, is, by his own acknowledgement, guilty of writing and publishing in the *Ohio Statesman* a gross, abusive, scandalous and slanderous libel against the members of this Assembly, and against this Assembly itself, and although he has qualified it in the presence of this Assembly this morning, his explanation is not deemed satisfactory; therefore,

Resolved, That the Rev. William M. Ferguson be forthwith expelled as a member of this house.

On these resolutions the previous question was called for, and the call was sustained. The main question was then put, and the resolutions were adopted, when the Moderator again announced that the Rev. W. M. Ferguson, a commissioner from the Presbytery of Zanesville, had been expelled from membership in this General Assembly.—1866, p. 58, O. S.

11. Proposed overture violates a principle of American Presbyterianism.

Overture 15 from the Presbytery of North River [to the General Assembly of 1928], suggesting a new denominator for determining a Presbytery's representation in the General Assembly by amending the Form of Government, Chapter xii, Section ii (second part of first sentence) to read "Each presbytery consisting of not more than twenty-four ministers, *who are pastors or stated supplies* of the churches of the Presbytery," was referred by the General Assembly to the General Council, for consideration and report.

It is recommended that the General Assembly take no action on this Overture, and for the following reasons:

1. The proposed overture would violate a principle of American Presbyterianism. The principle of the Presbyterian Church in the U. S. A. throughout its history has always been that all ministers are members of the Presby-

tery. The usage of the Churches in Scotland was, and still is, that none but pastors should be members of Presbytery. Our Church, however, at the very beginning of its history adopted the rule that all ministers are full members of Presbytery, so long as they remain in good standing. The American principle has always been—once a minister, always a minister, and because a minister, always a Presbyter.

This principle can be traced directly back to the Westminster Assembly. The Scotch idea that a minister is to be a member of Presbytery only when in active service, found no favor with the Westminster Divines. Their opinion may be found in the famous work called "Jus Divinum Ministerii Evangelici" (The Divine Right of the Gospel Ministry). In this work the statement is made that "the minister of Christ is an officer of the Church Catholic and Universal, and in no particular can either the origin of his office or the exercise of its functions, depend on his relations to a local church." To ignore a number of ministers who were unrelated to a particular church, but who were nevertheless members of a Presbytery, as part of the denominator determining the latter's representation in the General Assembly would be a violation of the foregoing principle.

2. Any overture proposing a reduction in the number of commissioners to the General Assembly should provide for an equitable distribution among all Presbyteries. This proposed Overture does not so provide.

The following table indicates the number of commissioners to which our various Presbyteries were entitled under our present provisions at the last General Assembly, and an estimate of their probable representation under the proposed Overture.

Electing Section	Present Number of Commissioners	Proposed Number of Commissioners
1	46	40
2	40	32
3	40	20
4	52	48
5	42	38
6	42	30
7	42	38
8	44	38
9	50	40
10	46	44
11	42	26
12	42	38
13	40	38
14	40	36
15	42	38
16	36	34
17	48	44
18	42	42
19	42	40
20	50	38
21	40	28
22	40	24
	948	784

As can readily be seen the decrease in the number of commissioners under the provisions of the proposed overture would be approximately 164. This decrease, however, would occur in those presbyteries whose representation should not be disturbed if, as this overture contends, "the General Assembly should be in true ratio a representation of particular churches." For example, under the proposed change, 203 of our presbyteries, many of them small, would have the same representation as formerly. Over fifty per cent of the decrease, or 84, would occur in twelve of our Presbyteries, as follows:

Presbytery	Present Number of Commissioners	Proposed Number of Commissioners
San Joaquin	8	4
San Francisco	12	4
Los Angeles	26	10
Chicago	24	10
Brooklyn-Nassau	12	8
New York	16	6
Cleveland	8	4
Wooster	6	2
Westchester	6	2
Philadelphia	12	6
Philadelphia North	10	6
Pittsburgh	18	12

3. The proposed overture would not effect a more equitable representation from our larger Presbyteries in the General Assembly.

The proposed Overture contends that many of our larger Presbyteries have in their membership so many ministers not related to particular churches that they give such Presbyteries undue and unfair representation in the General Assembly. Facts do not warrant this contention. Upon the basis of church membership, which after all reveals the real strength of a given judicatory, and the representation to which it should be entitled in a higher judicatory if the government of the Church is truly representative, the following large presbyteries would be affected:

Presbytery	Percent of entire church membership	Percent of present representation in Assembly	Percent of proposed representation in Assembly
Chicago	2.57	2.53	1.27
New York	1.91	1.70	.76
Philadelphia	2.36	1.26	.76
Los Angeles	2.34	2.73	1.27
Pittsburgh	3.5	1.9	1.53

It will readily be seen that the proposed overture rather than making the contemplated representation of our larger Presbyteries more equitable and fair, would make it more unequal and unfair.

A further illustration of this unfairness would be very apparent in the various electing sections of the General Assembly. For example, Section 3, with 93,849 members, or 4.8% of the entire Church membership, would have 20 commissioners or 2.5% of the constituency of the General Assembly.—1929, p. 147.

III. Any one hundred or more of these commissioners, one half of whom shall be ministers, being met on the day, and at the place appointed, shall be a quorum for the transaction of business.

IV. The General Assembly shall receive and issue all appeals, complaints, and references, that affect the doctrine or Constitution of the Church, and are regularly brought before it from the inferior judicatories, *provided*, that cases may be transmitted to Judicial Commissions of the General Assembly as prescribed in the Book of Discipline. The General Assembly shall review the records of every Synod and approve or censure them; it shall give its advice and instruction, in all cases submitted to it, in conformity with the Constitution of the Church; and it shall constitute the bond of union, peace, correspondence and mutual confidence among all our churches. The General Assembly may appoint a General Council, in accordance with the provisions of Chapter xxvi of the Form of Government; *provided*, that judicial cases shall be referred only to Judicial Commissions.

[NOTE.—As amended, 1880, p. 74, and 1881, p. 523; 1884, p. 89, and 1885, p. 637. 1907, p. 189; 1908, p. 210; 1915, p. 211; 1925, pp. 60, 65. See *Digest*, 1886, pp. 217, 218; and Book of Discipline, Chap. ix, Secs. 71–102.]

1. The Assembly will not ordinarily decide questions in thesi.

a. But while the General Assembly is invested with the power of deciding in all controversies respecting doctrine and discipline, of reproving, warning, or bearing testimony against error in doctrine in any church, Presbytery or Synod, or of suppressing schismatical contentions and disputations, all such matters ought to be brought before the Assembly in a regular and Constitutional way. And it does not appear that the Constitution ever designed that the General Assembly should take up abstract cases and decide on them, especially when the object appears to be to bring those decisions to bear on particular individuals not judicially before the Assembly. Neither does it appear that the Constitution of the Church intended that any person or persons should have the privilege of presenting for decision, remonstrances respecting points of doctrine, on the conduct of individuals, not brought up from the inferior judicatories by appeal, reference or complaint, and this especially when such remonstrances contain no evidence whatsoever of the facts alleged, but mere statements, of the truth or justness of which the Assembly have no means of judging, inasmuch as a contrary course would allow of counter and contradictory remonstrances without end.—1822, p. 50. See 1870, p. 28.

b. It is ordinarily undesirable for the General Assembly to decide questions *in thesi* which are liable to be brought before it in its judicial capacity, as it may thus virtually prejudge cases of discipline; it appears better that it should ordinarily follow in this respect the uniform practice of civil courts to decide legal principles only on actual cases presented. —1856, p. 213, N. S.

c. *Overture No. 13*, being a request of the Rev. Samuel C. McCune that the Assembly would answer various questions connected with judicial processes in the lower courts.

The Committee recommend the following answer: These questions pertain either to supposed or to actual judicial processes. In either case it is not deemed proper that the Assembly should give specific answers to them.—1866, p. 47, O. S.

d. *Overture No. 28*, from the Presbytery of Sante Fé. (1) Is it in accordance with the spirit and Constitution of the Church for a Board or Committee of the Assembly to receive Complaints against the character and conduct of a minister without giving him full information on the subject or refuse to do so when asked? (2) What course should the Committee on Missions of a Presbytery take when a missionary sent into its bounds by a Board of the Assembly refuses to occupy the field assigned him by said Committee? (3) Is it the province of a missionary Presbytery to designate the field of labor of its members or of a missionary sent into its bounds by any Board of the Assembly? or does this right of designation belong to the Board sustaining the missionary?

The Committee recommend no action, inasmuch as it presents the case *in thesi*, and the questions involved will probably be settled ere long by the action of the Board of Foreign Missions.—1872, p. 73; 1888, p. 133.

e. An *Overture* from the Presbytery of Geneva, asking a deliverance of the Assembly interpreting the action of 1825 (Moore's *Digest*, ed. 1873, p. 626); of 1853 (p. 626); of 1856 (p. 627); of 1865 (p. 627); of 1872 (p. 628).

Answer: That it is inexpedient to answer *in thesi* questions which the Assembly may be called to answer judicially (*Minutes*, 1822, p. 50; 1856, p. 213, N. S.; 1866, p. 47, O. S.; 1870, p. 28; 1872, p. 73; Moore's *Digest*, ed. 1873, pp. 217, 218); especially as the subject is under consideration by the Revision Committee.—1881, pp. 586, 589.

f. *Overture*, being a Paper from Dr. J. M. W. Farnham, from Shanghai, China, touching the lawfulness of reading a defamatory paper in open Presbytery before a trial has been initiated. We recommend that as this is a case *in thesi* the General Assembly declines to answer.—1893, p. 188; 1892, p. 213.

2. The Assembly cannot remit the final decision of any matter affecting the doctrine of the Church to an inferior judicatory.

The Report of the Special Committee on the Memorial of the Synod of India in the matter of the baptism of polygamists was taken up, adopted, and is as follows: . . .

On only one point was your Committee unanimous, namely, that under the existing Constitution of the Presbyterian Church the request of the Memorial cannot be granted. The request is in these words:

"We respectfully request the General Assembly, in view of the exceedingly difficult complications which often occur in the case of polygamists who desire to be received into the Church, to leave the ultimate decision in all such cases in India to the Synod of India."

Your Committee are unanimously of the opinion that as the request contemplates a matter of doctrine it cannot be granted in view of the provision contained in Chap. xii, Sec. iv, of the Form of Government, which is as follows:

"The General Assembly shall receive and issue all appeals, complaints and references that affect the doctrine or Constitution of the Church, and are regularly brought before it from the inferior judicatories."

The provision is mandatory. The General Assembly has no right to remit the final decision of any matter affecting the doctrine of the Church to an inferior judicatory.

According to the Constitution the duty of admitting candidates to the communion of the Church pertains to the Session of the local church. Should questions arise as to the propriety of admission or refusal they may be carried by Appeal or Complaint to the superior judicatories, and for ultimate decision to the General Assembly. . . .

The only recommendation reported to the Assembly is: That in view of the mandatory nature of Chap. xii, Sec. iv, of the Form of Government, the request of the Synod of India contained in the Memorial cannot be granted. Respectfully submitted,

E. R. Craven,
John D. Wells,
George Junkin.

—1896, pp.149, 150.

[Note.—See at large under Sec. v, below, and Book of Discipline, Chap. ix.]

3. Judicial Commissions appointed, 1898-1907.

Backus Case.—1898, pp. 48, 94; 1899, p. 51.
Bercovitz Case.—1899, pp. 61, 127.
Bose Case.—1901, pp. 77, 100, 170.
Clinton Case.—1901, pp. 88, 100, 140, 169.
Dayton Case.—1901, pp. 78, 148.
Fleming Case.—1902, pp. 75, 83, 114, 143.
Lane Case.—1899, pp. 51, 73, 95.
MacCullough Case.—1898, pp. 48, 94.
Magee Case.—1907, p. 215.
Marsh Case.—1905, pp. 86, 163.
Massey Case.—1898, p. 95.
Patterson Case.—1900, pp. 98, 108, 136.
Pumphrey Case.—1898, p. 95.
Richter Case.—1903, pp. 72, 79, 91.
Riedy Case.—1899, pp. 91, 127; 1903, pp. 71, 80, 133.
Taylor Case.—1899, p. 127.
Warszawiak Case.—1899, p. 51.
Williamsport Case.—1900, pp. 100, 107, 154; 1902, pp. 74, 83, 151.
Woods Case.—1898, pp. 48, 94.

4. Cases issued by the Permanent Judicial Commission, 1908-1930.

Adam Case.—1928, p. 81.
Alvater Case.—1928, pp. 86, 89.
Barker Case.—1914, p. 251; 1915, p. 287; 1916, p. 136.
Bell Case.—1921, p. 132.
Buchanan Case.—1924, p. 194; 1925, pp. 78, 83; 1926, p. 163; 1927, p. 188; 1928, p. 81.

Campbell Case.—1923, p. 320.
Cremonesi Case.—1923, p. 322; 1924, p. 190; 1925, p. 43; 1926, p. 155; 1927, p. 182; 1928, p. 81.
Crombie Case.—1927, p. 182; 1928, p. 83.
Cunningham Case.—1926, p. 158.
de Young Case.—1924, p. 106.
Des Moines Case.—1917, p. 166.
Detroit Italian Church Case.—1922, p. 223.
Doane Case.—1918, p. 169.
Eagleson Case.—1914, p. 248.
Eakin Case.—1915, p. 240.
Eells Case.—1911, p. 135.
Elliott Case.—1910, p. 191.
Ellis Case.—1919, p. 180.
Fee Case.—1926, p. 157.
Gantz Case.—1924, p. 193; 1925, p. 83.
Goff Case.—1926, p. 160.
Grant Case.—1911, p. 139.
Haberly Case.—1914, p. 249.
Hall Case.—1923, p. 321.
Hamilton Case.—1927, p. 181.
Haynes Case.—1912, p. 181.
Heckathorn Case.—1928, p. 84.
Inglis Case.—1927, p. 190.
Irwin Case.—1923, p. 329.
Janesville Church Case.—1920, p. 91.
Keys Case.—1923, p. 323.
Lindsley Case.—1926, p. 155.
Logie Case.—1930, p. 143.
McElmoyle Case.—1922, p. 226.
McKibben and Shields Case.—1908, p. 223.
Milligan Case.—1920, p. 88; 1921, p. 134.
Missouri Synod Case.—1917, p. 191.
Morrison Case.—1924, p. 191.
New Castle Presbytery Case.—1921, p. 135; 1922, p. 225.
Owen Case.—1927, p. 184; 1928, p. 80.
Penn Case.—1912, p. 182.
Pool Case.—1915, p. 241.
Schweitzer Case.—1929, p. 127.
Stewart Case.—1922, p. 226.
Stone Case.—1927, p. 185.
Syracuse Case.—1917, p. 170.
Todd Case.—1908, p. 203.
Tulsa Presbytery Case.—1919, p. 242.
Ward Case.—1908, p. 201.
Westminster Church Case.—1909, p. 194.

5. One Assembly cannot criticize another.

Paper No. 96, being a Memorial from the Presbytery of Baltimore, in which protest is made against the action of the last Assembly in dropping from the Committee on Coöperation and Union the names of [two members].

It is manifestly improper for this Assembly to take action in criticism of a past Assembly, and it is believed the purpose of the Memorial will be served by its being read in presence of this Assembly, and by our making record of our conviction that no reflection was intended upon the zeal and faithfulness of these much-beloved brethren.—1905, p. 86.

[NOTE.—Different Assemblies have rendered contrary deliverances, p. 107, 6; 186, c; 397, b.]

V. To the General Assembly also belongs the power of deciding in all controversies respecting doctrine and discipline; of reproving, warning, or bearing testimony against error in doctrine, or immorality in practice, in any church, presbytery, or synod; of erecting new synods when it may be judged necessary; of superintending the concerns of the whole Church; of corresponding with foreign Churches, on such terms as may be agreed upon by the Assembly and the corresponding body; of suppressing schismatical contentions and disputations; and, in general, of recommending and attempting reformation of manners, and the promotion of charity, truth and holiness, through all the churches under their care.

I. DECISIONS AND DELIVERANCES ON DOCTRINE.

[NOTE.—See for the fundamental provision in connection with the Assembly's power in relation to doctrine and discipline, the Confession of Faith, Chap. xxxi, Sec. ii. Also for deliverances upon the Holy Scriptures, Confession of Faith, Chap. i, pp. 8, 13, 14, of this *Digest*. For the cases of Samuel Harker, Charles A. Briggs, Henry P. Smith, Hezekiah Balch, William C. Davis, Thomas G. Craighead, John Miller, see Vol. II, Index. For testimony of the Assembly of 1837 against doctrinal errors, as well as the Auburn declaration, and the deliverance of the Assembly of 1869, O. S., see *Digest*, 1930, Vol. II, p. 350.]

1. Power of the General Assembly and effect of its actions.

Another constitutional principle which must be recognized and applied, relates to the power of the General Assembly and the effect of Assembly actions. There appears to have been much confusion in the thinking of the Church regarding this general subject.

Until recently our Church has labored under the disadvantage of having no continuing body of judicial officers whose duty it was to study and define the principles, and to analyze and classify the precedents and deliverances which express our conceptions of applied ecclesiastical authority. Even now the tenure of membership in the Permanent Judicial Commission is so brief that one scarcely becomes settled in the performance of his duties, before his term of office expires. Previous to the institution of the Permanent Judicial Commission, these matters were handled usually by bodies appointed by the General Assembly as need for them might arise. The result has been that until a comparatively late date, no person or group of persons has been designated officially to keep these matters under continuing investigation. Only as individual minds and temperamental interest may have inclined in that direction, and this without authority, has there been any orderly and sustained canvass of the problems involved. As a consequence, inconsistencies, and even some contradictions appear in this field along the path of our Church's history. Nevertheless, there are some principles which, in the opinion of the Commission, appear to be sound in logic and well established in practice.

1. The General Assembly is not heir to all the powers of The (General) Synod. This is a distinction often ignored by those who quote the actions of The (General) Synod, as though its authority passed over unchanged to the General Assembly. The (General) Synod was composed of all the ministers in the denomination and of a representative from the Session of every particular church. The (General) Synod was the whole Church. Supreme authority inhered in it. The (General) Synod had no constitution except that which belonged to its own nature and to the nature of the Presbyterian system, besides such statements and decisions as, in the exercise of its supreme power, it chose to make. By the same power, it could rescind or alter any of these actions without reference to any superior authority. The Adopting Act is a case in point. This measure was not referred to the Church through any other channel, because the Church was deemed to be fully present in The (General) Synod itself. The same is true of the reunion, in 1758, of the two divisions of the body which had separated in 1741. It is true also of the adoption of our present Constitution. This organic law in its original form was never remitted to the Presbyteries for ratification. Even in so vital a matter, the power of The (General) Synod was complete and final.

There was some similarity between The (General) Synod and the British Parliament in respect to the freedom of both bodies from restraint, except as those restraints inhered in the character of the institutions themselves, and in the will of their members, guided, but not controlled, by precedents. There was no formal, defined or written constitution. Precedent and history and the experience of similar bodies throughout the world had their effect, but the force of all of these could be set aside. To quote actions of The (General) Synod therefore, as though they constituted controlling precedents as to the methods by which similar actions may be taken by the General Assembly, is clearly inadmissible.

A fact supporting this last statement is that the General Assembly has limited, defined, and delegated powers. It has another authority above it, namely, the Constitution of the Church. The General Assembly did not make the Constitution [although The (General) Synod did make it], but the Constitution made the General Assembly. Herein is the chief difference between the two bodies.

The only way by which the General Assembly can bring about a change in our Form of Government, Book of Discipline or Directory for Worship, is by proposing the change to the Presbyteries, and having it approved by a majority of all the Presbyteries. Before any amendments or alterations in our Confession of Faith or the Larger and Shorter Catechisms can be brought about by the General Assembly, they must be favorably acted upon by a committee of ministers and ruling elders, in numbers not less than fifteen, appointed by the General Assembly and its action adopted by the Assembly, and they must thereafter be approved by two-thirds of all the Presbyteries.

If The (General) Synod, as respects its powers, may be compared with the British Parliament, the General Assembly may be likened to the three departments of the United States Government combined in one, the executive, the legislative, and the judicial. The General Assembly exercises all of these functions though without confusing them. In our system of national government each of these departments exercises limited and delegated authority. No one of them is a law unto itself—not even the Supreme Court. The powers and jurisdiction of the Supreme Court are conferred by the Federal Constitution. The Supreme Court cannot transcend these powers against the will of the people expressed in the Constitution, without introducing anarchy into the people's government. The General Assembly sits sometimes in an executive and administrative capacity; again it may act as a legislative body; and yet again as a judicial tribunal; but always with restricted powers.

In the performance of each of these functions, the General Assembly possesses a somewhat different character. The failure to distinguish among these functions performed by the Assembly, as they have been distinguished in our American civil government, is the cause of some of the confusion which has crept into our minds regarding this matter.

2. From the above statement of principles it follows that at least three differing methods of setting precedents and enacting laws within the Presbyterian Church must be separated in our thinking.

(1) There will be no question, perhaps, regarding the legislative and administrative acts of the General Assembly. Every one recognizes the scope and effect of these powers when exercised. It is necessary to remember, however, that deliverances of the General Assembly, when it is sitting either in its legislative or administrative capacity, should be clearly distinguished from decisions in judicial cases when the Assembly exercises the powers of a judicial court; and these in turn are not to be confounded with the ordainment of organic law by the processes provided in the Constitution and referred to above. When the General Assembly as a non-judicial body makes deliverances, they are entitled to great respect and difference, but they are subject to modification or repeal at any time by a majority vote of the General Assembly.

(2) When, however, the General Assembly acts in its judicial character, the effect is different, that is, if we are to follow the practices established in the civil sphere, now become a part of the thought of our people, and we know of no other course so safe. A judicial case is heard upon issues clearly presented, upon notice to and full argument by the parties, and it is decided after mature deliberation. No rule is laid down in such a case that is not applicable to the facts and determinative of the issues.

When a judicial case comes to the General Assembly by constitutional procedure, a case which is issued by the General Assembly, and judgment entered, the matter is disposed of, and the judgment in that particular case is final. The reason is that the Constitution of the Church does not provide for any higher judicial tribunal than the General Assembly, and an end of litigation must be reached somewhere. The decision in such a case stands as a powerful and persuasive precedent until altered or reversed. The General Assembly has the power in its judicial capacity to record a contrary judgment in another case, resting upon a state of facts similar to, or precisely the same as, those of the former case. The General Assembly has power to do this at the same sitting of the court (though it is highly improbable that it would do so), and any succeeding Assembly also can create such new precedents, by the same means of a judicial decision in a specific case.

(3) It will be seen that this is something entirely different from the adoption of an amendment to the Constitution. It would be intolerable if the General Assembly, whose powers are limited by the Constitution, could, even when sitting as a judicial court, amend by indirection, the

organic law of the Church, which contains within itself provisions for effecting orderly change. No one contends that the Supreme Court of the United States has the power to amend the Federal Constitution by adding to or taking from it, its function being limited to interpretation of the Constitution in cases of ambiguity. The Constitution of the Presbyterian Church can be amended only by the General Assembly and the Presbyteries acting concurrently, according to methods defined in the Constitution and already referred to.

3. It is important in this connection to make a clear distinction between the judgment which is rendered in any particular case, and the reasoning on which that judgment rests. The reasoning may be faulty, and may be open to attack in another action, but so far as that original case is concerned, the judgment stands. It is not unheard of that a court may accept the contentions of a litigant, but for entirely different reasons from those adduced in the briefs. It has also been known that a court may arrive at a correct conclusion, but may support it by reasoning which is not correct. Thus it is that a principle enunciated in the decision of a court of last resort is always subject to challenge when it is sought to apply that principle in later cases, either because the principle itself is deemed to be faulty, or because the reasons presented in support of it are thought to be not sound.

At this point the utmost caution is necessary. It is to be presumed that the challenging of a principle laid down in a decision of any supreme judicial tribunal will be undertaken with great reluctance and under a sense of the heavy responsibility one assumes in doing so. As a matter of practice in the civil courts, there has been strong disposition, which has hardened almost into a fixed rule, to let such principles stand. However, the fact is plain and unquestioned that courts of supreme authority have been known, on sufficient occasion, to reverse their own conclusions and not infrequently they modify them appreciably. And anyone in the Presbyterian Church who believes the issue at stake to be vital and imperative has the right, in a new case, to plead for relief in later decisions and should have the privilege of doing so, if he show sincerity and conscientiousness, without subjecting himself to any reflection upon his loyalty to the Church and to its institutions.

The above principles, if rightly applied in a spirit that seeks accommodation and concord, should be capable of meeting, in so far as legal procedure can meet them, some phases of the situation which we are now facing.—1926, pp. 80–84.

II. TESTIMONY AGAINST DOCTRINAL ERRORS.

[Note.—For deliverance of the Assembly of 1837, and the Auburn Declaration, and the answer to the protest against the terms of union in 1870, see *Digest*, 1930, Vol. II, p. 350.]

1. Doctrinal deliverance on doctrinal assent and essential and necessary Articles of Faith.

Your committee would hereby recommend the following doctrinal deliverance, to wit:

The Church of Jesus Christ, set to be both a witness and an exemplar of saving and sanctifying truth, has come upon times when her mission is, at once, most difficult and most necessary.

It is an age of doubt. Many elements of the faith delivered, once for all, to the saints, and embodied in the immemorial testimony of the Christian Church, are by many openly questioned and rejected. Thereby the fundamentals not only of our faith as a Church, but of evangelical Christianity, are assaulted. Laxity in matters of moral opinion has been followed by laxity in matters of moral obligation. It is an age of impatience, of no restraint. The spirit of license and lawlessness is abroad. Authority in Church and State alike is decadent because its defiance has so often been unchecked. The safeguards of society are threatened. The decline in the elements of an essential religion is followed by a groveling and growing superstition that shames alike our sanity, our faith, and our civilization. It is therefore most necessary that the Church of Christ should bear unflinching witness against these errors in faith and these faults in practice, by testifying to the truth, the whole truth, and nothing but the truth, as God has been pleased to reveal it unto her in His Word and by His Spirit. Actuated by that fervent charity which God has made the rule and grace of her life, she must stand sturdily for that which is at once the redemption of the individual and the redemption of society. Ours has always been a witnessing Church. It must continue to be such, or else consent to conditions of doubt that would dissolve her foundations and equally destroy historic Christianity. Therefore, this Assembly, sitting at Atlantic City, N. J., May 28, 1910, reaffirms adherence to the historic standards of the Presbyterian Church in the United States of America, as containing the system of truth taught in the Holy Scriptures:—

I. By a declaration with regard to doctrinal assent.

It is to be noted that the adopting act in 1729 recognizes the holding by a candidate of "scruples" about "articles not essential and necessary in doctrine, worship, or government," but at the same time the act calls upon the candidate "to declare his sentiments to the Presbytery or Synod," and likewise calls upon the judicatory to decide as to what is essential and necessary.

II. Accordingly the General Assembly does also make a declaration with regard to certain essential and necessary Articles of Faith, to wit:

1. It is an essential doctrine of the Word of God and our Standards, that the Holy Spirit did so inspire, guide, and move the writers of the Holy Scriptures as to keep them from error. Our Confession says (see Chap. i, Sec. x): "The Supreme Judge, by whom all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scriptures."

2. It is an essential doctrine of the Word of God and our Standards, that our Lord Jesus Christ was born of the Virgin Mary. The Shorter Catechism states, Q. 22: "Christ, the Son of God, became man, by taking to himself a true body and a reasonable soul, being conceived by the power of the Holy Ghost, in the womb of the Virgin Mary, and born of her, yet without sin."

3. It is an essential doctrine of the Word of God and our Standards, that Christ offered up "himself a sacrifice to satisfy divine justice, and reconcile us to God." The Scripture saith Christ "once suffered for sins, the just for the unjust, that he might bring us to God, being put to death

in the flesh, but quickened by the Spirit." (See also Shorter Catechism, Q. 25.)

4. It is an essential doctrine of the Word of God and our Standards, concerning our Lord Jesus, that "on the third day he arose from the dead, with the same body in which he suffered; with which also he ascended into heaven, and there sitteth at the right hand of his Father, making intercession." (See Confession, Chap. viii, Sec. iv.)

5. It is an essential doctrine of the Word of God as the supreme Standard of our faith, that the Lord Jesus showed his power and love by working mighty miracles. This working was not contrary to nature, but superior to it. "Jesus went about all the cities and villages, teaching in their synagogues, and preaching the gospel of the kingdom, and healing every sickness and every disease among the people" (Matt. 9: 35). These great wonders were signs of the divine power of our Lord, making changes in the order of nature. They were equally examples to his Church of charity and good will toward all mankind.

These five articles of faith are essential and necessary. Others are equally so. We need not fear for God's truth as it is revealed in the Holy Scriptures and contained in our Westminster Standards. We bless God for the doctrines of his Word shining in the Standards. They stand firm like the towering beacon on the shore, casting a beam across the dark wave of this world's sin. Foolish birds and bats dart out of the night and dash themselves against the lenses of the lighthouse only to fall back senseless at its base. So heretics and skeptics have hurled themselves against the Word of God and against the Westminster Standards, only to fall back baffled and broken.

We recommend the passage of the following resolutions, to wit:

Resolved, 1. That, reaffirming the advice of the Adopting Act of 1729, all the Presbyteries within our bounds shall always take care not to admit any candidate for the ministry into the exercise of the sacred function unless he declares his agreement in opinion with all the essential and necessary articles of the Confession.

Resolved, 2. That all our parents in the home and our teachers in the schools be hereby warned of the prevalence of many insidious doubts and denials of the faith, prevalent in our times, and be urged to be diligent in teaching the children the very Word of God.

Resolved, 3. That all our pastors and Presbyteries take action to have read aloud in our churches and judicatories this doctrinal declaration of the General Assembly.—1910, pp. 271–273. (See p. 7, 4.)

2. Essential principles of the Protestant Reformation.

The Executive Commission, at its meeting in Atlantic City, September 30, 1914, adopted the Declaration given herein, in accordance with the instructions of the General Assembly of the Presbyterian Church in the U. S. A., May, 1914. The Paper was prepared by a Committee of the Commission consisting of the Rev. Wallace Radcliffe, D.D., and Mr. Logan C. Murray. The Executive Commission directed that it be signed by the chairman and the Secretary of the Commission. It was transmitted to the Presbyteries for their consideration and appropriate action.

Declaration.

In obedience to the instructions of the last General Assembly (see General Assembly *Minutes*, 1914, p. 217), we transmit to the Presbyteries the following action:

"On the Reformation, the following is recommended: *Overture No. 700*, relating to the reaffirmation of the principles,

"*Whereas*, Eternal vigilance is the price of liberty; and

"Whereas, There are abundant indications of the need of directing the attention of the American people anew to the essential principles of the Protestant Reformation, which underlie the civil and religious liberty of our modern life, ensuring progress of thought and increasing righteousness; therefore,

"*Resolved*, 1. That the General Assembly of the Presbyterian Church in the United States of America calls upon its ministers to review with their people the history of the great Reformation period, to the end that the essential principles of Protestantism may be reaffirmed and reëmphasized in the face of conditions that demand such reaffirmation and reëmphasis.

"*Resolved*, 2. That the Executive Commission of the General Assembly transmit this action to every Presbytery, and adopt such measures as may be found necessary to carry out its provisions during the year 1915, which the Assembly has already set apart for the special commemoration of the life, labors, and martyrdom of John Huss, one of the great pioneers of the Reformation movement."

The Presbyterian Church is distinctly and unequivocally committed to the principles of the Reformation. They are engraved into the letter and spirit of its doctrine and life. Without their assertion and activity, its existence and its right for existence cease. They carry in them the vitality of Protestantism, the culture of spiritual life, the progress of civilization, the fact of civil and religious liberty, and the purity, Scriptural reality and influence of the Church of Christ. The fundamental principles of the Reformation are:

1. *The Absolute Supremacy of the Word of God.*—The Reformation unchained the Bible. It dethroned councils and Vaticans. Whatever help or illumination may be in Christian consciousness or cultivated scholasticism or ordained priesthood, the supreme unquestionable authority in all matters of faith or morals is the Word of God. It is the dominant authority in the soul of the Christian, the one textbook of the Church, and the supreme study of the minister. This authority should be emphasized. The formula of Chillingworth continues to be the expression of our faith: "The Bible, the whole Bible, and nothing but the Bible is the religion of Protestants." The open Bible is the chart of our American civilization. Its ethics are our efficient protection for public virtue. It has been largely eliminated from our public schools, and our successive generations have lost its training for a citizenship of integrity and patriotism. It should be reinstated in its place in the instruction of the common school. Both Old and New Testaments should be restored to a first and large place in pulpit reading, instruction in family worship, and personal study.

2. *The Absolute Supremacy of the Grace of Christ.*—Justification is by

faith alone. The atoning work of Christ cannot be added to or taken from. The Church must not be put in the place of Christ. There can be no intermediary. The sacrifice of the Mass has no Scriptural recognition. There can be but one sacrifice for sin. The salvation of the soul is not by any sacramental agency or priestly authority, much less by character or any human ability or experience, but by the blood of Christ alone. There is no new gospel. The message of the Reformation is the message of evangelism. The address of the pulpit should be direct and unmistakable. Whenever the Church fails, it is when she beclouds or conceals or perverts her mission. The evangelistic note is the note of her salvation, the effective challenge to human sin and need, and the breath of benediction to the homes and liberties of the nation.

3. *The General Priesthood of Believers.*—The Reformation was a protest against despotism. It reaffirmed the liberty of the sons of God. It was a defense of the personal conscience. It was the assertion of personal liberty. It proclaimed the right of private judgment. It denounced coercion, and enthroned in human hearts the profound sense and recognition of individual responsibility. It restored to the soul its privilege of direct approach to God. It established the democracy of the Church. It ordained that separation of Church and State which has developed in it a most evident reality in this Republic. That separation must be most valiantly and persistently maintained. We are in the presence of the insidious and determined efforts of a dethroned ecclesiasticism to regain its lost power in civil legislation and government. That way lie danger and dismay. The State must be Christian, but not ecclesiastical. The liberties secured by Reformation principles must by the same principles be preserved. Ecclesiasticism must be rebuked in any attempts for recognition and power through partisan politics. The Christian citizen should guard the money and offices of the State against any encroachments by sectarian ambition, and our public officers should be compelled to hold churches aloof from the suspicion of such influences. The life of the Republic lies in the separation of Church and State.

The five hundredth anniversary of the life and work of John Huss gives welcome and needed occasion for the reaffirmation of the principles of the Reformation. We suggest that during the coming winter and spring this special emphasis be made throughout the Church. Let the biographies and histories of the Reformation have large place in the literature of the Christian home, in the columns of our Church papers, the study classes of our young people and men's missionary societies, in the themes of our pulpits, and on special occasions of Presbyteries and Synods; in order that the trust of the American Republic may be conserved, that our free institutions may be transmitted in integrity and righteousness, and the Church of Christ may be held distinctly and exclusively to its supreme mission.—1915, p. 260.

3. Deliverence on responsibility of Presbyteries for licensing and ordaining ministers.

Overture No. 360, from the Presbytery of Minneapolis, in the matter of "licensing and ordaining to the ministry of our Church, men who doubt or deny the teachings of God's Word, as interpreted by our Standards," asking the Assembly to "take such action as will put an end, both to this flagrant defiance of rightful authority, and to this forcing upon the Church teachers of doubt and unbelief." It is recommended that the Assembly adopt this deliverance:

The Constitution fixes the authority and responsibility for the licensing and ordaining to the ministry of the Presbyterian Church, in the Presbytery. Any Presbytery that licenses and ordains to the ministry men who deny the teachings of God's Word as interpreted by our Standards, is guilty of perjury, in violating the Constitution of the Church, and such violation should be remedied, but the remedy, to be effective on the part of the Assembly, must be upon protest, complaint or appeal, upon specific charges, giving names and dates and whatever is needful in proof of the offense charged.—1912, p. 192.

4. Presbyteries enjoined not to license or ordain candidates for the ministry whose views are not in accordance with deliverance of 1910.

In answer to *Overtures Nos. 23, 24, 25*, and *155-157*, and *Paper No. 153*, complaining of the action of New York Presbytery "in receiving and licensing candidates for the ministry, whose theological beliefs do not accord with the doctrinal Standards of our Church," and to *Overture No. 26*, calling for a deliverance "declaring that it is not only discourteous and unwarranted, but also unchristian and subversive of proper discipline for one Presbytery to assert that the ministers of another Presbytery or Presbyteries are untrue to their ordination vows," your Committee begs to present the following Report:

Commissioners from New York Presbytery and representatives of overturing Presbyteries appeared before the Committee, and made full and frank statements as to the issues involved. Complaint was made against the members of New York Presbytery for licensing recently and on previous occasions candidates who could not affirm their belief in the essential doctrine of the Word of God and our Standards, that our Lord Jesus Christ was born of the Virgin Mary. The members of New York Presbytery felt deeply pained and aggrieved that the overturing Presbyteries should propose drastic action—not on the basis of the Presbytery's Records, but on the basis of exaggerated and misleading newspaper reports. The brethren on both sides of the controversy, together with the members of your Committee, expressed their strong conviction that this continued agitation was bringing reproach upon the Church, was hindering the cause of Christ, and that something must be done effectually to put a stop to it. It was proposed that these brethren themselves should confer as to the best remedy for the whole trouble. Having done so in a most earnest, prayerful and forbearing spirit, they presented a Paper which, to their minds, embodies all that the exigencies of the situation demand, and which gives them great hope for the future peace and harmony of the Church. Your Committee gave this Paper due consideration, and were grateful to God for the manifest leading of the Holy Spirit, which had brought the aggrieved parties together, and which, we felt, led us, your Committee, to the unanimous approval of said Paper, as the basis of suitable action on the part of the Assembly.

We, therefore, recommend the adoption of this Paper, in the earnest hope that it will allay all misunderstanding, prevent, in the future, any hasty or ill-advised judgment, in public print, of brethren in good and regular standing in the ministry, and serve as a warning to all Presbyteries against receiving and licensing any candidates for the ministry who cannot give their assent to all the fundamental doctrines of the Church. This Paper, thus recommended, is as follows:

Whereas, The Records of the Presbytery of New York show that on April 10, 1916, that Presbytery licensed three candidates for the ministry, who neither affirmed nor denied the doctrine of the Virgin Birth, on the following recommendation, "noting that these candidates recognize critical difficulties in connection with the doctrine of the Virgin Birth, but at the same time state that their faith in this doctrine is of a growing character, and that they unqualifiedly declare their faith in the preëxistence and Deity of our Lord and all the redemptive truth that is embodied in his life, teaching, and his sacrificial death."

Whereas, It is admitted that by the Constitution of the Church each Presbytery is the judge of the qualifications of candidates for the ministry, but each Presbytery in licensing these candidates should strictly observe the declarations of the Confession of Faith in doctrinal matters.

The General Assembly calls the attention of the Presbyteries to the deliverance of the General Assembly of 1910, which is as follows:

1. It is an essential doctrine of the Word of God and our Standards that the Holy Spirit did so inspire, guide and move the writers of Holy Scripture as to keep them from error.

2. It is an essential doctrine of the Word of God and our Standards that our Lord Jesus Christ was born of the Virgin Mary.

3. It is an essential doctrine of the Word of God and our Standards that Christ offered up "himself a sacrifice to satisfy divine justice and to reconcile us to God;"

4. It is an essential doctrine of the Word of God and of our Standards concerning our Lord Jesus Christ that on the third day he arose again from the dead with the same body with which he suffered, with which also he ascended into heaven and there sitteth at the right hand of his Father, making intercession.

5. It is an essential doctrine of the Word of God as the supreme Standard of our faith that our Lord Jesus showed his power and love by working mighty miracles. This working was not contrary to nature, but superior to it.

Presbyteries, therefore, are hereby enjoined not to license or ordain any candidates for the ministry whose views are not in accordance with this deliverance of 1910.

This General Assembly renews its positive mandate with full expectation of loyal compliance by all our Presbyteries; and directs when a candidate appears who is found to be not clear and positive on any one of the fundamentals of our faith, that his licensure be deferred until such time as in the judgment of the Presbytery he has become so.—1916, p. 130.

[Note.—See above, p. 289.]

5. Reply to the "Philadelphia Overture."

The Committee on Bills and Overtures presented a report on *Overture 1* (*a*) commonly known as the Philadelphia Overture.

Before commencing debate, the following resolution was adopted by the Assembly:

That, the debate be opened by two addresses of fifteen minutes each, to be given by the chairman of the Bills and Overtures Committee and the sponsor of the minority report respectively; that subsequent speeches be limited to ten minutes each, speakers supporting the majority report and the minority report alternating; that the debate be concluded by two fifteen minute speeches, the next to the last being given by one to be decided upon by the sponsor of the minority report and to be in support of the minority report and the last speaker to be in support of the majority report, the speaker to be selected by the chairman of the Committee on Bills and Overtures; that all motions made during the debate be voted on in reverse order at the conclusion of the two final speeches.

The majority report of the Standing Committee on Bills and Overtures was presented by the Chairman, Rev. Hugh K. Walker, D.D., and the minority report by the Rev. A. Gordon MacLennan, D.D. The following entered into the debate: Rev. George D. Miller, D.D., Rev. James G. Mason, Hon. William Jennings Bryan, Rev. James C. Reid, D.D., Rev. Frank M. Silsley, D.D., Rev. Murdoch MacLeod, D.D., Rev. Murray S. Howland, D.D., Elder Nolan R. Best, Rev. A. Mackenzie Lamb, D.D., Elder John Willis Baer, LL.D., Rev. Edward N. Goff.

The order of the day having arrived, the time was extended, and after a motion to close debate was carried, the Rev. Clarence E. Macartney, D.D., closed the debate for the minority report, and the Rev. J. W. Bean, D.D., for the majority report.

The Stated Clerk was ordered to call the roll of commissioners, tellers being appointed to record the votes. The minority report was adopted as follows:

The 135th General Assembly of the Presbyterian Church of the United States of America, in answer to the Petition of the Overture presented by the Presbytery of Philadelphia regarding the public proclamation of the Word in the Pulpit of the First Presbyterian Church of New York City, expresses its profound sorrow that doctrines contrary to the standards of the Presbyterian Church, proclaimed in said Pulpit, have been the cause of controversy and division in our Church and therefore would direct the Presbytery of New York to take such action (either through its present Committee or by the appointment of a special commission), as will require the preaching and teaching in the First Presbyterian Church of New York to conform to the system of doctrines taught in the Confession of Faith; and that said Presbytery report its action in a full transcript of its records to the 136th General Assembly of 1924.

Furthermore, the General Assembly calls the attention of the Presbyteries to the deliverance of the General Assembly of 1910, which deliverance is hereby reaffirmed, and which is as follows:

1. "It is an essential doctrine of the Word of God and our standards that the Holy Spirit did so inspire, guide and move the writers of Holy Scripture as to keep them from error.

2. "It is an essential doctrine of the Word of God and our standards that our Lord Jesus Christ was born of the Virgin Mary.

3. "It is an essential doctrine of the Word of God and our standards that Christ offered up Himself a sacrifice to satisfy Divine justice and to reconcile us to God.

4. "It is an essential doctrine of the Word of God and of our standards concerning our Lord Jesus Christ, that on the third day He rose again from the dead with the same body with which He suffered, with which also He ascended into heaven, and there sitteth at the right hand of His Father, making intercession.

5. "It is an essential doctrine of the Word of God as the supreme standard of our faith that our Lord Jesus showed His power and love by working mighty miracles. This working was not contrary to nature, but superior to it."—1923, p. 252.

6. Protest regarding action on above Overture.

The following protest against the action taken by the General Assembly in connection with *Overture 1* (commonly known as "The Philadelphia Overture"), was presented and placed on record:

The undersigned Commissioners at the 135th General Assembly of the Presbyterian Church in the United States of America, meeting at Indianapolis, May, 1923, hereby enter their respectful protest against the action taken by the Assembly in connection with *Overture No. 1.*

1. We protest against the action taken, because it was based upon allegations made by one Presbytery in regard to conditions in another Presbytery which are not substantiated by the evidence.

2. We protest against the action taken, because it passes judgment on a matter which is not now, and never has been, before the Assembly by orderly process, and condemns without proper hearing.

3. We protest against the action taken, because it seeks to impose upon the office bearers of our Church, doctrinal tests other than, or in addition to those solemnly agreed upon in the Constitution of our Church.—1923, p. 338.

[Note.—For the names of the eighty-five protestants who signed this protest, see *Min.* 1923, p. 338.]

7. Essential and necessary articles.

The history of the use of this phrase, "Essential and Necessary Articles," is interesting and illuminating. It was first employed in the Act of 1729, preliminary to the adoption of the Confession of Faith by The (General) Synod. Manifestly, the inclusion of the phrase in the language of the Act was a conciliatory measure designed to bridge a chasm between minds which otherwise could not meet. The discussion on this point during the early days of Presbyterianism in America had been transferred to our shores from churches beyond the seas, and since many of our ministerial recruits were coming from those churches, the issue in this country became rather acute.

It is very significant, however, that this phrase was not employed again in any official action of our Church until 1896. Thus during a period of one hundred sixty-seven years the Church did its work and settled its differences without resorting again to the language which has caused discussion recently. Even in 1896 the phrase was used only incidentally in a report of the Committee on Editions of the Constitution. It was not, therefore, until fourteen years later, in 1910, and after the Church had enjoyed one hundred eighty-one years of tranquility in regard to the subject, that the phrase, "Essential and Necessary Articles," or its equivalent, appeared once more in official actions of the General Assembly in connection with disputed points of constitutional law.

The General Assembly of 1910 declared certain doctrines to be "essential and necessary." The proposed action gave rise to little, if any, discussion at the meeting of that particular Assembly. It was an element in what was thought to be a compromise and was looked upon as a precautionary measure in respect to possible future actions of Presbyteries in licensing and ordaining candidates. Action was recommended to the Assembly of 1910 by the Permanent Judicial Commission when deciding a case, but the action itself was not a part of the decision. The form which it took was determined by the Committee on Bills and Overtures. It was a declarative act and belongs in the class of interpretations of doctrine which the General Assembly is empowered to make from time to time.

The deliverance of the 1910 Assembly covered "five points" as they have now come to be known familiarly. These were quoted in substance and reaffirmed in an action of the same motives personally, and after the examining body, whether Presbytery or (General) Synod, had had full opportunity to judge the man himself, as well as abstract questions of doctrine.

This is emphasized for the purpose of calling attention to the fact that actions taken either by the Presbytery or by The (General) Synod previous to 1789 and under the authority of the act of 1729, do not settle definitely this issue as it arises now under our Constitution. The polity of our Church since the adoption of the Constitution in 1789 is in certain respects quite different from what it had been before that date. Attention is called to the fact at this time for the further purpose of pointing out that there is nothing in the Act of 1729 definitely and certainly inconsistent with the principle that the Presbytery's right to determine the fitness of a candidate is paramount. For even The (General) Synod when deciding in this matter was acting as a Presbytery; and even granting that such a principle could not be maintained under the provisions of our Constitution, the course followed by the Church prior to the adoption of the Constitution warns against the danger of limiting in too great a degree the authority of Presbytery to determine when a particular candidate is, or is not, qualified to exercise the office of the holy ministry.

To what an article is essential and necessary.

A decision as to any article being "essential and necessary," by whomsoever made, calls for definition of language. The question arises, essential to what? necessary to what? Is it essential and necessary to salvation? If so, the number of such articles will be reduced far below the number of chapters in the Confession of Faith. The Confession of Faith is only a subordinate standard. The supreme standard is the Word of God as the Holy Spirit speaks through it; and the Word of God declares, "Whosoever shall call upon the name of the Lord shall be saved." (Rom. 10: 13.) And further, the word of faith is said to be, "If thou shalt confess with thy mouth the Lord Jesus and shalt believe in thine heart that God hath raised Him from the dead, thou shalt be saved." Rom. 10: 9.) Is an article declared to be essential and necessary to the leading of a Christian life and to citizenship in the Kingdom of God? Is it held to be essential and necessary to the existence of the Church? Manifestly, it is not in these respects primarily that we are dealing with essentiality.

To what then, is an article declared to be essential and necessary? The answer would seem to be to a *system of doctrine.* Especially so, since precisely this is what a candidate vows to receive and adopt—"a system of doctrine." It is stated sometimes that there are a number of systems of doctrine contained in the Confession of Faith—as for instance, a system of general Christian doctrines as held by all Churches; a Protestant system, and a Reformed system. It is to be feared that these distinctions are too close and scholastic for the practical purpose contemplated by the question now before us. The Church as a whole, and certainly a candidate under examination, looks upon the Confession of Faith as presenting one system of Christian truth to which the Church bears witness, and this confession is received as "containing the system of doctrine taught in the Holy Scriptures." The Confession of Faith does not necessarily comprise all the doctrines included in the system taught in the Holy Scriptures. Indeed it does not purport to do so, but it contains that system. Moreover, there are features of the Word of God that are not doctrinal, and the lines which distinguish these one from another are not always clearly drawn. But there is, broadly speaking, a "system of *doctrine* taught in the Holy Scriptures," and the Confession of Faith is declared to contain this system, and as such it is received and adopted by the candidate.

To declare an article of faith "essential and necessary" *to this system* is a serious undertaking. Undoubtedly there are articles, which all will agree fall within this classification, but there are others about which there will be differences of opinion. A doctrine may be entirely true and yet not be an "essential and necessary article" in the system. The question is not as to its truth, primarily, but, rather, is it essential *to the system?* And the minds of individuals, certainly the mind of the Church itself, should be deeply humble and devoutly prayerful when attempting to decide an issue of such grave import as this.

A solemn responsibility.

In regard to determination of the question as to which are "essential and necessary articles," within the meaning just defined, the General Assembly has an undoubted right to interpret the Constitution in declaratory deliverances and all must recognize the duty of the Assembly from time to time to bear general witness, as there may be need, to the corporate faith of the Church. Perhaps most persons will concede that it would be a very solemn responsibility which the General Assembly would exercise in designating, even in a declaratory deliverance, any doctrine as an essential and necessary article. An Assembly is not bound in this respect by the actions of former Assemblies, and, therefore, any statement of the sort which it makes may possibly be altered or canceled by later deliverances. Such deliverances might be made under the prevalence of a spirit and under the influence of other conditions not the most favorable. Assuming that the right exists to follow such procedure, the exercise of the right may lead, as experience has shown, to disturbing results.

It is probable that, after there has been opportunity for reflection, and when minds are not affected by the exigencies of controversy, most of the ministers and members of our Church will agree that the risk of such action is great, and that the General Assembly may well refrain from taking such a course, especially as it may be misconstrued as a virtual amending of our organic law by another method than that prescribed by the Constitution.

Limits of a mandatory judicial decision.

The General Assembly, when acting in its judicial capacity, has a right to decide questions of this kind only as they apply to the specific case under consideration and as the decision may be affected by all the circumstances of that case. Should the doctrinal beliefs of a candidate be challenged in a judicial action, as not being of a character to qualify him under our Constitution for preaching the gospel, it is competent for the General Assembly to decide that, in view of all the conditions surrounding this particular case, the opinions which the candidate holds are not such as fit him for the office of the ministry in the Presbyterian Church; but this is quite different from deciding, as a general proposition, that certain articles, when considered abstractly and logically, are essential and necessary to the system of doctrine contained in the Holy Scriptures.

It follows from the above that the decision of a particular case involving this issue, when rendered by the General Assembly acting in its judicial capacity, cannot be made to rest properly upon a merely declaratory deliverance of a former Assembly. A judicial decision is grounded in the Constitution itself and derives its chief additional support from similar decisions arrived at in the same manner and resting upon the same foundation.

It seems quite clear, furthermore, that, granting for the moment the authority of the General Assembly, acting in any capacity, to declare broadly that an article is essential and necessary, it would be required to quote the exact language of the article as it appears in the Confession of Faith. It could not paraphrase the language nor use other terms than those employed within the Constitution, much less could it erect into essential and necessary articles doctrines which are only derived as inferences from the statements of the Confession.

The outcome of the above considerations, as well as the history of our Church for two centuries, encourages us to seek her peace and purity and unity along the same path which she has traveled hitherto. Referring to the General Assembly, the Form of Government states: "It shall constitute the bond of union, peace, correspondence and mutual confidence among all our churches." Behind the General Assembly is the Constitution itself, the great charter of a regulated liberty within the confines of unifying law. And above the Constitution is the Word of God, the supreme Standard of our faith; and in the Scripture, inspiring and vitalizing it by His Spirit, and speaking to us through it, is our Lord Jesus Christ, Who is Himself the Word, who dwells in each one of us, binding us all into a mystical and spiritual union with Himself and with each other, which is displayed in the fellowship of worship and witness and service in the Church here on earth and which will attain its sure and perfect expression before His glorious throne in heaven.—Special Commission of 1925, *Minutes*, 1927, pp. 78–82.

8. Deliverance on the Bible and the public schools.

a. This Assembly expresses its regret that confusion should have been introduced into the practice regarding the use of the Bible in our public schools, by reason of the inconsistent decisions by the courts and the varying interpretations given by school authorities in different places of practically the same Constitutional and statutory provisions, and the Assembly advises the officers and people of the Churches of the [Presbyterian] Alliance in this country, that they should seek to exert a prudent Christian influence upon public sentiment in their respective localities upon this subject.—1904, p. 180.

b. This Assembly expresses its judgment that moral instruction and ethical training are necessary for good citizenship, and should have a place in our public-school system, and that this is possible without inculcating any denominational tenets; and further, expresses its judgment that the Bible is the very best instrument to impart this moral instruction and training, in connection with our public schools.—1904, p. 180.

c. The General Assembly desires to express its deep conviction of the importance of the use of the Bible in the public schools, without note or comment, and its regret that in many cases efforts to exclude it have been successful, and we call the attention of the Presbytery in a special manner to the necessity of being alert, and taking such action as may be needed to preserve the use of the Bible in public schools throughout the country. —1911, p. 131.

9. Deliverance on religious liberty in the Philippines.

1. That we rejoice in the provisions of the Constitution of the United States of America which are designed to aid in the promotion of religious liberty.

2. That we understand that the relation of the Federal Government of the United States to religious work in the Philippine Islands and Porto Rico is and ought to be one of absolute impartiality between different religious denominations, and of helpfulness in establishing full religious liberty, limited, however, by the qualification that no religious practices should be tolerated which are recognized by the general consent of the Christian world in modern times as proper matters for prohibitory legislation.—1904, p. 181.

10. Action against the use of public funds for sectarian purposes.

In view of the increasing sentiment in this country against the use of public funds for sectarian purposes, either in State or nation, and in view of the present pending legislation on this subject in Congress, therefore be it

Resolved, 1. That the General Assembly of the Presbyterian Church, in session May 26, 1906, at Des Moines, Iowa, most earnestly and respectfully petitions the Congress of the United States to refuse any appropriations of public moneys for sectarian purposes.—1906, pp. 211, 212.

III. TO RECEIVE PETITIONS, MEMORIALS, APPEALS, COMPLAINTS, ETC.

1. The right to petition and to memorialize the Assembly affirmed.

a. We, the undersigned, members of Assembly, respectfully enter our protest against the action of the General Assembly, in postponing indefinitely the resolution offered by Dr. Neill, in favor of the right of petition by our Presbyteries and Synods; because:

1. No opportunity was offered to any member to express his views on the subject previously to the vote; thus the Assembly was hurried into a decision, without opportunity to consider the great injuries done by thus virtually denying this sacred right.

2. Because the spirit of our free form of government is thus violated, inasmuch as it secures to the lower judicatories the right of being heard on all moral and religious subjects, when they present their views in a regular and Constitutional manner.

To this the Assembly reply:

The protest imputes to this Assembly a principle which it never adopted, viz., the denial of the right of petition. The true reason of the indefinite postponement of Dr. Neill's Paper was, that as no one doubted the right of petition, a further consideration of the subject would consume time by useless debate and legislation. The Committee regard this statement as a sufficient answer to the protest in question.—1841, p. 449, O. S.

b. The Committee to whom was referred the protest of W. Bushnell and others in relation to the action of the Assembly on certain Petitions respecting the abolition of slavery, reported, recommending the adoption of the following Minute:

The General Assembly, recognizing the right of inferior judicatories, and private members, *upon their own responsibility*, to memorialize this body on any subject which they may regard as connected with the interests of the Church, and finding no fault with the language of the protest, admit it to record without further notice.—1844, p. 376, O. S.

[Note.—The General Assembly of 1928 received two numerously signed petitions, namely, Petition 4, "Concerning the Situation in Princeton Theological Seminary," and Petition 5, "On Reopening Case No. 1 of the General Assembly of 1927," and in response gave forth the following deliverance.]

2. Deliverance on petitions.

The following resolution, proposed by the Standing Committee on Bills and Overtures, and presented through its Chairman, the Rev. Cleland B. McAfee, D.D., was adopted:

This General Assembly has received during its sessions two documents, largely signed by ministers and ruling elders in the form of petitions respectively addressed to it. It could not fail to welcome every evidence of care for the life of the church and of zeal for its purity and soundness in the faith, and in that spirit it has given these documents consideration. The fact that one of them is declared to contain at least 10,000 signatures and the other 7,500, indicates the effort that has been made throughout the whole church and for a number of weeks and months to complete the documents.

The Assembly, however, expresses its disapproval of the method of petition thus involved. The course of previous Assemblies has not been uniform in the matter, but the practice, which seems to this Assembly the logical one, is to receive petitions involving ecclesiastical action or opinion, only through regularly constituted channels (Presbyteries and Synods), reserving to individuals the right of direct petition only regarding private interests which are of concern to the Assembly and which cannot be otherwise safeguarded. It is obvious that the method of securing large numbers of independent signatures to any document is liable to grave abuses and errors which cannot be controlled, and that such a method tends to disturb or determine rather than to discover the mind of the Church. The Assembly notes that such petitions must necessarily come to it under no responsible authority, since no one could claim the right to speak for any but himself when he does not know his fellow signers, and they have not authorized him to utter their understanding of the petition which they have signed. It is clear also, that such petitions, intended for wide acceptance, will inevitably be ex parte in their nature and must be so succinct that nice details of accuracy cannot be regarded. Most of the signers could not possibly be personally informed regarding the accuracy of the facts which are stated. The Assembly would earnestly discourage the continuance of such a method as contrary to its prevailing usage and to wise procedure.

The Stated Clerk of the General Assembly is herewith instructed to make known to any parties who may inquire that this is the policy of the General Assembly and to defer the distribution in the seats of commissioners of any documents which may violate this practice until they have been properly passed upon by the General Assembly in its regular manner. —1928, p. 79.

3. Petitions of a general nature should come to the General Assembly only through Presbyteries and Synods.

Your Committee is of the opinion that petitions of a general nature in which personal interests are not involved, ought to come to the Assembly only through appropriate action by a Presbytery or a Synod, as prescribed by the General Assembly in actions taken. (See *Digest*, 1922, Vol. I, p. 284, items 6 and 8.)

Furthermore, in view of the fact that the General Assembly of 1927 voted not to review the preliminary judgment of its Permanent Judicial Commission, and that Section 134 of the Book of Discipline provides that at the adjournment of the General Assembly without such review, the judgment of the Permanent Judicial Commission shall be held to be the final judgment of the General Assembly, your Committee is of the opinion that this case has been finally adjudicated and so has passed beyond the control of this Assembly or of any future Assembly.

For these two reasons your Committee recommends that this Petition [No. 5, On Reopening Judicial Case No. 1 of the General Assembly of 1927] be found not in order.—1928, p. 47.

4. Protest concerning Petition 5.

The Rev. A. Gordon MacLennan, D.D., for himself and others, presented a protest to the General Assembly concerning its action on Petition 5, as follows:

The undersigned Commissioners to the 140th General Assembly of the Presbyterian Church in the U. S. A. do hereby respectfully protest, as provided in Chapter X, of the Book of Discipline, against the decision of the General Assembly in adopting the majority report of the Committee on Polity with reference to the Petition regarding Case No. 1 of the Assembly of 1927 involving the Virgin Birth decisions, deeming the same decision to be erroneous for the following reasons, and having voted in opposition thereto:

1. The decision errs in that it violates the inviolable right of petition. (See *Minutes of the General Assembly*, 1887, p. 118; *Digest*, 1922, pp. 284–5.)

2. The decision errs in regarding this as a Judicial Case. It is not a judicial but an administrative case. (See Book of Discipline, Chapter L, Section 5; *Digest*, 1922, p. 483.) A decision in a judicial case is final, but in an administrative case it is not.

3. The decision errs in misapplying the rule of 1870 as interpreted by the General Assembly of 1887. (*Digest*, 1922, p. 284.) This rule applies only to Memorials and not to Petitions.

4. The decision errs in denying the Assembly the power to hear and grant petitions. (*Digest*, 1922, p. 285.)

5. The decision errs in that the Assembly rendered its decision in approving the majority report of the Committee on Polity on the ground of the merits of the case and not on the question before it, namely, to determine whether this petition is in order.

We, therefore, believe that this Petition, signed by more than 7,000 representative Presbyterian Ministers and Elders, is in order; it violates no precedent; it is not prohibited by any rule, nor any law of the Church, and is constitutional.

(Signed) Fred W. Christ, A. Gordon MacLennan, A. L. Lathem, Milo A. Jamison, John M. Buyers, G. E. Sehlbrede.

The Moderator appointed a Committee consisting of the Rev. Joseph A. Stevenson, D.D., the Rev. William Hiram Foulkes, D.D., and the Rev. Henry Seymour Brown, D.D., to prepare an answer to the Protest.—1928, p. 150.

5. Answer to protest on Petition 5.

The Report of the Committee of Three appointed by the Moderator to prepare an answer to the Protest of the Rev. A. Gordon MacLennan, D.D., and others concerning the action of the Assembly relating to Petition No. 5, was presented by the Chairman of the Committee, the Rev. Joseph A. Stevenson, D.D., and is as follows:

1. The decision violates no right of petition. It simply approves an orderly method of procedure by which petitions may reach the Assembly. (See *Digest*, 1922, pp. 284–5.)

2. No decision, judicial or administrative, that has been reported to the General Assembly by the Permanent Judicial Commission, and received the approval of the General Assembly, can be reopened by any future Assembly. (See Book of Discipline, Section 134, last sentence.)

3. The distinction drawn by the protest between petitions and memorials is not a distinction recognized by Presbyterian procedure. (See *Digest*, 1922, p. 284, item 8.) "The right of petition is inviolable in the Church as in the state, and whenever the private interests are involved, a memorial sent to this body ought to be received." The terms are thus interchangeable.

4. This assertion has no foundation in fact, in that the decision specifically prescribes a constitutional method of procedure by means of which petitions may be duly presented to the Assembly.

5. This, also, is contrary to fact, in that the decision in question refers specifically to the legal phases of the question and makes no mention whatever of the merits of the case. (See the Report of the Standing Committee on Polity on Petition 5.)

(Signed) Joseph A. Stevenson, William Hiram Foulkes, Henry Seymour Brown.—1928, p. 152.

6. One who does not submit is debarred the right of petition.

The Committee to which was referred the Petition of Mr. Bourne reported, and their Report, being read, was accepted. Whereupon it was resolved, that as it appears to be a fact that Mr. Bourne has not submitted to the judgment of the Assembly in affirming a decision by which he was deposed from the Gospel ministry, he be permitted to withdraw his Petition.—1823, p. 93.

7. Overtures on any pending judicial case will not be received.

The Judicial Committee has had referred to it *Overtures* from the following Presbyteries, to wit: Indianapolis, Chicago, Bloomington, La Crosse, Kingston, Monroe, Denver, Elizabeth, Montana, Petoskey, Lake Superior, Mattoon, Trinity, Lyons, Milwaukee, Boston, White Water, Chippewa, Austin, Steuben, Detroit, Grand Rapids, Cayuga, Albany, Mankato, Binghamton, Niagara, Utica and North River, all of which overture the Assembly to take certain specific action, some in one direction and some in another, in a judicial case pending before this Assembly. It has also had referred to it Overtures from the following Presbyteries, viz.: North River, Utica, Niagara, Binghamton, Mankato, Albany, Cayuga, Mattoon, Steuben, Grand Rapids, Rochester, Montana, Newark, Syracuse and Grand Rapids, all of which overture that certain changes be made in the Book of Discipline to prevent any Appeal being taken, in the future, direct from the Presbytery to the General Assembly. Your Committee, having carefully considered all of said Overtures, recommend the adoption by the Assembly of the following resolution:

Resolved, That a Presbytery has the undoubted right of petition to the General Assembly, as to all matters relating to the polity of the Church; but an Overture from a Presbytery, advising the Assembly what action should be taken by said Assembly in a pending judicial case, is an irregular and unprecedented ecclesiastical procedure. Every Presbytery has the right and the opportunity to have its opinion on a pending judicial case expressed through its commissioners on the floor of the Assembly, but it has not the right by Overture to try to influence the decision of the Assembly on any pending judicial case. It is, therefore, recommended that all such Overtures, in so far as they relate to the action of the Assembly in any case now pending before it, be laid upon the table.—1893, p. 91.

8. The rule as adopted at the Reunion, 1870: Bills, Overtures, etc., received only from Presbyteries and Synods.

The Report of the Joint Committee on Reconstruction recommended the following, which was adopted:

As much time is consumed and the attention of the Assembly distracted with Overtures and questions of minor importance coming up from various quarters, impeding the transaction of business of more general interest, it is recommended that the Assembly order that, hereafter, Bills and Overtures come up only from Synods or Presbyteries; yet that this may not prevent any Committee of Bills and Overtures from bringing before the house, of its own motion, upon a two-thirds vote of the Committee, any matter which they may deem of sufficient importance to engage the attention of the General Assembly.—1870, p. 90.

9. The rule of 1870 affirmed and enforced.

a. From the Rev. Joseph Mathers, pastor of the church of Logan's Valley, Pa., asking advice regarding the church relations of persons who felt aggrieved by a certain disposition of church property. While your Committee recognize the rule that might have debarred this Overture, they recommend the Assembly to direct the parties to make their Complaints to their Presbytery or Synod.—1882, p. 97.

b. *Overture* on the subject of Communion wine, signed by Rev. Henry K. Hennigh. The Committee are of opinion that an Overture coming from a private individual, instead of from a lower Church judicatory, should not be regarded as properly before the Assembly. This was so held by the Assembly of 1870 (see *Digest*, 1886, p. 523).

But if this point could be considered doubtful, the deliverance of the Assembly of 1881 (p. 548) fully covers the subject of this Overture, and a reference thereto is a sufficient answer. We therefore recommend that no further answer be given.—1882, p. 57; 1885, p. 685.

c. *Overture.*—A Memorial from the Rev. Jonathan Edwards, D.D., LL.D., and Rev. Raymond H. Leonard, in relation to the use of the New Version of the New Testament by the Board of Publication in its Sabbath-school helps. This Memorial is affected by the same rule referred to in answer to *No. 10*. It comes up to the Assembly through none of the lower judicatories of the Church. But if the right of the memorialists to be heard is considered, the Committee are not aware of any action of the Board relating to the New Version, or of any use made of the same in its Sabbath-school helps, except as an aid to a proper understanding of the text of the Standard Version. No action, therefore, seems to be needed.—1882, p. 58.

d. *Overture* from the pastor and the President of the Board of Trustees of the West Union Church, Presbytery of Washington, W. Va., asking that Chap. xv, Sec. iv, of our Form of Government, be thus interpreted: "The congregation have the right, when assembled for the transaction of secular business or the election of a pastor, to decline receiving the votes of such church members as may either refuse to support the church or as may refuse to contribute, according to the rules of that congregation, to all its necessary expenses."

Your Committee would respectfully answer this Overture by referring to the rule of the General Assembly on p. 523, Moore's *Digest*, 1886, which debars the reception of Overtures except such as are presented through a Synod or Presbytery.—1883, p. 627.

e. *Overture* from the Rev. John Pym Carter, with reference to a Constitutional amendment which shall empower the Presbyteries to take, in the election, ordination and installation of ruling elders, the same oversight as in the case of pastors.

The Committee recommend the following answer: The Overture is irregular, as the General Assembly has decided that all Overtures shall come to it through Presbyteries or Synods, and not through individuals or Sessions.—1883, p. 627.

[NOTE.—See under (12) below, 1887, p. 118.]

10. The rule does not deny the right of petition: its repeal inexpedient.

Overture from the Presbytery of Baltimore, asking the repeal of the Standing Rule in the *Minutes* of the Assembly for 1870, p. 90, which limits the rights of petition or overture to the Presbyteries and Synods, and thus "deprives the Church at large of the inalienable right of petition."

The Committee recommends that as the rule referred to does not deny the right of petition, but only prescribes an orderly method of action, and saves the Assembly from unnecessary demands upon its time, the Overture be answered in the negative.—1884, pp. 75, 76.

[Note.—The rule gives wide discretion to the Committee of Bills and Overtures, see No. 8, above: "Any matter which they may deem of sufficient importance to engage the attention of the General Assembly."—1870, p. 90.]

11. Memorial from an individual received.

a. A Memorial from David M. Wilson, of the Presbytery of Kingston, Synod of Tennessee, praying this General Assembly to give an authoritative deliverance in reference to the right of a Synod to organize a colored Presbytery on territory included in Presbyteries already existing.

The Committee on Polity recommend that this request be granted, and that the authoritative deliverance be made according to the definition of a Presbytery in Chap. x, Sec. ii, of our Form of Government.—1873, p. 525.

b. From the Rev. Luther Dodd, a member of the Presbytery of Fort Dodge (received and answered).—1879, p. 613.

c. From a member of the Presbytery of Iowa City, asking, etc., (received and answered; see below, Chap. xiii, Sec. iv).—1880, p. 46.

d. From parties unknown to your Committee (received and answered). —1880, p. 46.

e. An *Overture*, "from the venerable patriarch, the Rev. Samuel C. Jennings, asking the Assembly to urge the importance of practical work in the cause of temperance" (answered by referring to former testimonies; *Digest*, 1886, pp. 595–605).—1881, p. 550.

f. From Chaplain Blake, answered: "Do not think it wise for this Assembly to interfere in the case as an Assembly."—1889, p. 111.

12. The Overtures contemplated by the rule of 1870 defined.

The Standing Committee on the Polity of the Church presented a Report, which was adopted, and is as follows:

An *Overture* has been referred to your Committee from Mr. David H. Miller, of Chicago, Ill., propounding several questions which he desires this Assembly to answer, as explanatory of Chap. x, Sec. viii, of our Form of Government. The practice of the Assembly with respect to the reception and consideration of Papers, originating with private individuals, as distinguished from Presbyteries and Synods, is by no means uniform. For the most part, however, the Assembly has distinguished in this matter between Overtures or Papers bearing upon general topics on the one hand, and Memorials or Papers relating to personal interests on the other. In the judgment of your Committee, this distinction deserves to be emphasized. The right of petition is inviolable in the Church as in the State; and whenever private interests are involved, a Memorial sent to this body ought to be received, and the determination of the Assembly considered. When, however, Papers of a general character, which may properly be called Overtures, are presented, in order to be entertained by the Assembly, they should come through the medium of the Presbytery or the Synod.

The Paper of Mr. Mitchell, which has been referred to your Committee, is presented in this, and belongs to the latter class. Your Committee, therefore, recommends that with reference to it no action be taken.—1887, p. 118.

13. Memorials, Overtures, etc., have been received from—

a. The Broadway Presbyterian Church, Rock Island (answered).—1878, p. 71.

b. From the Session of the First Church, Dayton, O. (answered).—1882, pp. 98, 99. [See below, Form of Government, Chap. xiii, Sec. iv.]

c. From the Presbyterian Annuity and Life Insurance Co.—1876, p. 44 and pp. 72, 73; 1881, p. 550.

d. *Overture.*—A request from the Woman's Presbyterial Missionary Society of the Presbytery of Alton, that the Assembly define the boundary lines between the Woman's Board of the Northwest and the Woman's Board of the Southwest, with the view of preventing confusion and embarrassment in the operations of said societies.

The Committee recommend that no action be taken.—1878, p. 69.

[Note.—All Memorials, Overtures, Petitions, etc., are referred to the Committee of Bills and Overtures, which reports to the Assembly and recommends what disposition shall be made of them.]

IV. POWER OF VISITATION.

1. The power of visitation exercised by the Assembly.

a. In the examination of the *Appeal* of Mr. Chavis it has appeared that great irregularities of administration and discipline exist in the Presbytery of Atlantic and in some of its churches, which require investigation and correction; and, to that end, your Committee begs leave to recommend the following:

Resolved, That the Rev. E. E. Swift, D.D., the Rev. James Allison, D.D., the Rev. R. H. Allen, D.D., James B. Lyon, Esq., and John C. McComb, Esq., officers and members of the Board of Missions for Freedmen, be and they are hereby appointed a Committee, and are instructed to visit the Presbytery of Atlantic and the churches thereof, to inquire into their condition, and any irregularities of practice or discipline which may exist therein; and to aid with their advice in correcting the same, and, so far as possible, to strengthen and encourage the churches, pastors and missionaries in the bounds of said Presbytery; and that the Committee make report of their doings to the next General Assembly.

Resolved, That the necessary expenses of the Committee be audited by said Board, and be paid out of the treasury thereof.—1884, p. 108.

[Note.—See Book of Discipline, Secs. 76, 77.]

Report of the Committee.

b. The Special Committee appointed by the last Assembly to visit the Synod of Atlantic (*Minutes*, 1884, p. 108) presented its Report, which was accepted, approved, and the Committee discharged. The Report is as follows:

A judicial case, involving the moral character of one of the members of the Presbytery, was brought, by Complaint, to the attention of the last Assembly. It was, perhaps, the knowledge of this case that created the impression in that Assembly that licentiousness was too often tolerated or too leniently dealt with, and occasioned the appointment of your Committee.

With the settlement of that judicial case your Committee could have nothing to do. The last Assembly had directed the Synod of Atlantic to take proper action in the premises. The business of the Committee was confined to inquiries with regard to the state of morals among the colored people within the limits of the Presbytery of Atlantic, and the faithfulness of Sessions in the maintenance of discipline.—1885, p. 584.

[Note.—For the report of the Committee of the result of their inquiries and action see Moore's *Digest*, 1886, pp. 527, 528.]

2. Committee to visit Lane Seminary.

[Note.—See *Digcst*, 1907, under Lane Seminary, Chap. xii, Sec. v, pp. 464, 465.]

V. PASTORAL LETTERS AND DELIVERANCES ON TOPICS OF VITAL INTEREST.

[Note.—Under its general powers, as defined in Sec. v, the Assembly from time to time, as the exigencies of the times demanded, issued pastoral letters and deliverances on topics of vital interest. Those designated in this paragraph are omitted in this *Digest*, for the reason that the most of them were called forth by events and situations which are now largely historical, and for the further reason that they may be found in the several *Digests* named.]

1. On Missions.

[Note.—See *Digest*, 1886, pp. 280, 281; *Minutes*, 1719, p. 58.]

2. On occasion of the old French War.

[Note.—See *Digest*, 1886, pp. 281, 282; *Minutes*, 1756, p. 276.]

3. On the repeal of the Stamp Act.

[Note.—See *Digest*, 1886, pp. 282-284; *Minutes*, 1766, p. 362.]

4. Upon occasion of the Revolutionary War.

[Note.—See *Digest*, 1886, pp. 284-287; *Minutes*, 1775, pp. 466-469.]

5. Address to Washington on his election to the Presidency and reply.

[Note.—See *Digest*, 1886, pp. 287-289; *Minutes*, 1789, p. 11.]

6. On the results of the French Revolution.

[Note.—See *Digest*, 1886, pp. 289-291; *Minutes*, 1798, p. 152.]

7. On disturbances in Kentucky and the Southwest.

[Note.—See *Digest*, 1886, pp. 291-294; *Minutes*, 1804, pp. 314-317.]

8. On the Sabbath.

[Note.—See *Digest*, 1886, pp. 294-296; *Minutes*, 1814, pp. 569, 570.]

9. On Christian activity.

[Note.—See *Digest*, 1886, pp. 296-300; *Minutes*, 1817, pp. 661-664.]

10. On prevalent vices and immoralities.

[NOTE.—See *Digest*, 1886, pp. 300–302; *Minutes*, 1818, pp. 689, 690.]

11. On revivals and their abuses.

[NOTE.—See *Digest*, 1886, pp. 302–306; *Minutes*, 1832, pp. 377–380.]

12. On the maintenance of doctrinal purity.

[NOTE.—See *Digest*, 1886, pp. 306–313, *Minutes*, 1839, pp. 183–187, O. S.]

13. On revivals of religion.

[NOTE.—See *Digest*, 1886, pp. 313–320; *Minutes*, 1849, pp. 424–429, O. S.]

14. On repairing the wastes of the war.

[NOTE.—See *Digest*, 1886, pp. 320–322; *Minutes*, 1865, pp. 600–602, O. S.]

15. On the observance of the Sabbath.

[NOTE.—See *Digest*, 1886, pp. 322–325; *Minutes*, 1867, pp. 385–387, O. S.]

16. On the Civil War.

[NOTE.—See *Minutes*, 1866, pp. 82–90, O. S.]

17. On perils which beset the system of popular education.

[NOTE.—See *Digest*, 1907, pp. 294–297; *Minutes*, 1870, pp. 49–52.]

18. On testimony against support of Roman Catholic and other denominational institutions by public funds.

[NOTE.—See *Digest*, 1907, pp. 297, 298; *Minutes*, 1878, p. 55.]

19. On protesting against appropriation of public funds for ecclesiastical purposes.

[NOTE.—See *Digest*, 1907, p. 298; *Minutes*, 1896, pp. 118, 119.]

20. On Woman's Suffrage.

[NOTE.—See *Minutes*, 1917, p. 234.]

21. On National Loyalty.

[NOTE.—*Minutes*, 1930, p. 33.]

[NOTE.—For the pastoral and circular letters of the Assembly of 1837, see Baird's *Digest*, 1858, pp. 760–763; *Minutes*, 1837, pp. 499–502. For the pastoral of 1838, O. S., See Baird's *Digest*, pp. 780–784; *Minutes*, pp. 48–51, O. S. For the pastoral of 1838, N. S., see Moore's new *Digest*, 1861, pp. 522–526; *Minutes*, 1838, pp. 663–667, N. S.]

22. On interracial relations.

A *Resolution* regarding the American interracial situation was referred to this Committee. The following action thereon is proposed:

The General Assembly reasserts its strong sense of the importance to Christian believers of America's interracial situation, especially as it relates to the two major racial groups, and its feeling of the need for interracial goodwill and understanding. It seeks always to bear testimony to the fundamental unity of humanity and to practice Christian brotherhood.

It believes that the solution of this as of all acute problems lies in the application of the Gospel which is its whole message. The General Assembly expresses the assurance that in due time, which it trusts need not be long delayed, one of its meetings may be held within the bounds of one of the Synods within which both races are strongly represented, that both groups may share in its entertainment, and it is prepared at any time to receive the counsel of the Board of National Missions to that effect.—1928, p. 152.

23. On unemployment.

That the General Assembly views with grave concern the deprivation and sufferings of the families of the unemployed. We urge all men and women of our constituencies to hold these needs in their minds and hearts and where practicable to provide work for those in need. We especially urge employers to be considerate in this time of industrial readjustment, of men and women past the so called "dead line" as to age; and suggest that our members who are shareholders of corporations record their convictions, by writing the officers of their desire that all possible consideration be given those seeking work. We instruct the Presbyteries to give special attention to the deprivations of the unemployed men and women in their bounds.—1930, p. 109.

24. On old age pensions.

That in congratulating our church on achieving its pension system, we call the attention of church sessions to the need of millions of fellow human beings who look to an old age of poverty, deprivation and dependency; and we urge church sessions to make a study of the many projects, industrial, state, and of the Federal Government which aims at general old age security. To that end we recommend that the General Council include in its suggestions for next year's calendar that on Mother's Day, there be pulpit reference or discussion of old age pensions.—1930, p. 109.

25. Declaration concerning sectarian insignia and instruction in Government schools.

Replying to *Overture No. 368*, from the Presbytery of Minneapolis, *No. 356*, from the Presbytery of Spokane, and *No. 269*, from the Presbytery of Buffalo, with regard to the suspension, by the President of the United States, of the order of Robert V. Valentine, Commissioner of Indian Affairs, concerning the use of sectarian insignia and garb in Government Indian schools and sectarian instruction, we would say that a representative of the Board, and others interested, have already appeared before the Administration, and made request for the revoking of the President's order, and that the President has this request now under consideration, it is recommended that the General Assembly take advantage of this opportunity to declare its position on this important matter, in the following action: The General Assembly of the Presbyterian Church in the U. S. A. expresses its judgment, that the Constitution of the United States, and the traditions of our national life, demand that there shall be no attempt at proselyting, in any Government institution, even in an indirect manner;

that the use of ecclesiastical insignia and garb in Government schools constitutes a subtle and powerful propaganda; that the fact that this has been permitted in time past, as it never should have been permitted, does not justify its continuance; that one Church should not seek or desire special privileges which other Churches do not possess nor ask; and that complete obedience, on the part of everybody concerned, to the principle of freedom from all trace of sectarianism in Government institutions, is the only just and fair basis on which Government schools can be maintained;

And the Assembly respectfully requests the President of the United States to see to it that the order of Commissioner Valentine be revived, and put into impartial operation immediately.—1912, p. 141.

26. Union educational institutions to teach views in harmony with the Standards.

We note with satisfaction the readiness of the Board [of Foreign Missions] to give cordial response to Appeals from the mission stations for endorsement of reasonable union movements, properly conserving essential truth. In particular, we heartily commend and approve the action of the Board, as being in line with established precedents, in endorsing under fitting safeguards the movement for the North China Union Colleges, with the understanding that there shall be no teaching in the Seminary which is inconsistent with those conceptions of Scripture truth that are held by the Presbyterian Church.—1905, p. 125.

27. Commendation of Magna Charta Sunday.

The following resolutions are recommended for adoption:

The General Assembly learns with interest of the purpose to celebrate on Wednesday, October 4, 1922, the fiftieth anniversary of the first formal meeting of the eminent American scholars who constituted the American Revision Committee, and whose persistent labors during the ensuing thirty years resulted in the issuance of the American Standard Bible. It recalls that the head of this Committee was an honored minister of our own communion, Philip Schaff, and that others of its ministers served in the same cause. Welcoming, as it does, all new light upon the Word of God, and all new light from that Word, it commends the celebration of this anniversary to Presbyteries, churches, and people, as an opportunity to present anew the living and refreshing truth of the Scripture.

The General Assembly notes with renewed interest the plans for the celebration of the anniversary of the granting of Magna Charta, on June 15th, and the observance of the third Sunday in June as Magna Charta Sunday. It commends to its churches and Sunday Schools such recognition of the days designated as may aid to a fuller appreciation of the blessings of liberty and a clearer apprehension of the hand of God in human history. —1922, p. 193.

28. Commendation of Mothers' Day.

Resolved, That this General Assembly heartily commends the annual observance of the second Sabbath of May as Mothers' Day, the object of which is to honor motherhood by an expression of love and gratitude, which all good men, women and children, owe to their mothers.—1911, p. 210. (See above p. 311, 24.)

29. Deliverance as to the relations of Church and State, and religious liberty.

[Note.—For same, see *Digest*, 1930, Vol. II, pp. 78, 80, 229, 230.]

30. Brief Statement of the Reformed Faith.—Purpose.

Concerning the Brief Statement of the Reformed Faith which the Committee was directed to prepare and to submit to this Assembly, we beg to say that this has been by far the most difficult task assigned to us, and that it has occupied the greater part of the thirty days in which the Committee has been actually in session. The Assembly's instructions were explicit, and yet they left room for difference of view. Apart from the direction that it should be "brief" and "expressed as far as possible in untechnical terms," the Committee was given to understand the kind of statement required only by the Assembly's instructions that it was "to be prepared with a view to its being employed to give information and a better understanding of our doctrinal beliefs, and not with a view to its becoming a substitute for, or an alternative of, our Confession of Faith." These instructions are both positive and negative.

The Committee's understanding of the work thus enjoined upon it found expression in the following resolution which appears in its Records, namely:

"*Resolved*, That it is the sense of this Committee that the Brief Statement of the Reformed Faith which the Assembly has ordered us to prepare should be made with the view to inform and enlighten the people in regard to the significance and religious meaning of the Reformed faith, and not with the view of becoming a test of orthodoxy for ministers, elders, and deacons."

The conception of the design of the statement to be prepared, as thus presented, has influenced our action, and, as far as it could be so, controlled our conclusions. In this work few precedents were within reach. We were not to prepare a new Confession of Faith, or merely a condensed compendium of our doctrine, or a new standard of orthodoxy; much less a standard of new orthodoxy. The enjoined brevity made necessary the delicate task of selection. We could not include in such a statement everything we hold to be true, nor, on the other hand, could we confine ourselves to doctrines distinctively our own. Indeed, many of our most fundamental and vital doctrines we hold in common with the whole evangelical Church; and, moreover, what is peculiar to our own faith is susceptible neither of being stated nor of being known except in the light of what we thus hold in common with other communions. Nor could we forget that the intellect is not the only organ of religious perception and knowledge. We must avoid duplicating in principle, even though it be in reduced compass, what we unquestionably already have. The three confessional formulas which we have received from the past, and which we hold in veneration, address themselves, primarily and predominantly, to the logical faculty, and in a way that is preëminently successful; certainly, then, it was not simply another symbol framed on the same organizing principles and destined to be inferior to them, both in precision of statement and in systematic excellence, which the Assembly had in mind, or which the present condition of the Church calls for.

Accordingly we have endeavored to introduce in some degree into our work a different principle of expression and so to bring out more plainly the evangelical aspects of our faith. We have aimed to connect truth with life, and to give to our doctrinal elements a personal reference. We have tried to make the Statement not intellectual only, but also devotional in its conception and form. We would not have it first of all theological, although we have constantly endeavored to preserve intact the substance of the truth as we hold it. There has been neither desire nor disposition to disobey the Assembly's injunction that we should "in no way impair the integrity of the system of doctrine set forth in our Confession and taught in the Holy Scripture."—1902, p. 91.

31. Brief Statement of the Reformed Faith.—Text.

Article I. Of God.

We believe in the ever-living God, who is a Spirit and the Father of our spirits; infinite, eternal, and unchangeable in His being and perfections; the Lord Almighty, most just in all His ways, most glorious in holiness, unsearchable in wisdom and plenteous in mercy, full of love and compassion, and abundant in goodness and truth. We worship Him, Father, Son, and Holy Spirit, three persons in one Godhead, one in substance and equal in power and glory.

Article II. Of Revelation.

We believe that God is revealed in nature, in history, and in the heart of man; that He has made gracious and clearer revelations of Himself to Men of God who spoke as they were moved by the Holy Spirit; and that Jesus Christ, the Word made flesh, is the brightness of the Father's glory and the express image of His person. We gratefully receive the Holy Scriptures, given by inspiration, to be the faithful record of God's gracious revelations and the sure witness to Christ, as the Word of God, the only infalliable rule of faith and life.

Article III. Of the Eternal Purpose.

We believe that the eternal, wise, holy, and loving purpose of God embraces all events, so that while the freedom of man is not taken away nor is God the author of sin, yet in His providence He makes all things work together in the fulfillment of His sovereign design and the manifestation of His glory; wherefore, humbly acknowledging the mystery of this truth, we trust in His protecting care and set our hearts to do His will.

Article IV. Of the Creation.

We believe that God is the creator, upholder, and governor of all things; that He is above all His works and in them all; and that He made man in His own image, meet for fellowship with Him, free and able to choose between good and evil, and forever responsible to his Maker and Lord.

Article V. Of the Sin of Man.

We believe that our first parents, being tempted, chose evil, and so fell away from God and came under the power of sin, the penalty of which is eternal death; and we confess that, by reason of this disobedience, we and all men are born with a sinful nature, that we have broken God's law, and that no man can be saved but by His grace.

Article VI. Of the Grace of God.

We believe that God, out of His great love for the world, has given His only begotten Son to be the Saviour of sinners, and in the Gospel freely offers His all-sufficient salvation to all men. And we praise Him for the unspeakable grace wherein He has provided a way of eternal life for all mankind.

Article VII. Of Election.

We believe that God, from the beginning, in His own good pleasure, gave to His Son a people, an innumerable multitude, chosen in Christ unto holiness, service, and salvation; we believe that all who come to years of discretion can receive this salvation only through faith and repentance; and we believe that all who die in infancy, and all others given by the Father to the Son who are beyond the reach of the outward means of grace, are regenerated and saved by Christ through the Spirit, who works when and where and how He pleases.

Article VIII. Of Our Lord Jesus Christ.

We believe in and confess the Lord Jesus Christ, the only Mediator between God and man, who, being the Eternal Son of God, for us men and for our salvation became truly man, being conceived by the Holy Ghost and born of the Virgin Mary, without sin; unto us He has revealed the Father, by His Word and Spirit making known the perfect will of God; for us He fulfilled all righteousness and satisfied eternal justice, offering Himself a perfect sacrifice upon the cross to take away the sin of the world; for us He rose from the dead and ascended into heaven, where He ever intercedes for us; in our hearts, joined to Him by faith, He abides forever as the indwelling Christ; over us, and over all for us, He rules: wherefore, unto Him we render love, obedience, and adoration as our Prophet, Priest, and King for ever.

Article IX. Of Faith and Repentance.

We believe that God pardons our sins and accepts us as righteous solely on the ground of the perfect obedience and sacrifice of Christ received by faith alone; and that this saving faith is always accompanied by repentance, wherein we confess and forsake our sins with full purpose of, and endeavor after, a new obedience to God.

Article X. Of the Holy Spirit.

We believe in the Holy Spirit, the Lord and Giver of Life, who moves everywhere upon the hearts of men, to restrain them from evil and to incite them unto good, and whom the Father is ever willing to give unto all who ask Him. We believe that He has spoken by holy Men of God in making known His truth to men for their salvation; that, through our exalted Saviour, He was sent forth in power to convict the world of sin, to enlighten men's minds in the knowledge of Christ, and to persuade and enable them to obey the call of the Gospel; and that He abides with the Church, dwelling in every believer as the spirit of truth, of holiness, and of comfort.

Article XI. Of the New Birth and the New Life.

We believe that the Holy Spirit only is the author and source of the new birth; we rejoice in the new life, wherein He is given unto us as the seal of sonship in Christ, and keeps loving fellowship with us, helps us in our infirmities, purges us from our faults, and ever continues His transforming work in us until we are perfected in the likeness of Christ, in the glory of the life to come.

Article XII. Of the Resurrection and the Life to Come.

We believe that in the life to come the spirits of the just, at death made free from sin, enjoy immediate communion with God and the vision of His glory; and we confidently look for the general resurrection in the last day, when the bodies of those who sleep in Christ shall be fashioned in the likeness of the glorious body of their Lord, with whom they shall live and reign for ever.

Article XIII. Of the Law of God.

We believe that the law of God, revealed in the Ten Commandments, and more clearly disclosed in the words of Christ, is forever established in truth and equity, so that no human work shall abide except it be built on this foundation. We believe that God requires of every man to do justly, to love mercy, and to walk humbly with his God; and that only through this harmony with the will of God shall be fulfilled that brotherhood of man wherein the kingdom of God is to be made manifest.

Article XIV. Of the Church and the Sacraments.

We believe in the Holy Catholic Church, of which Christ is the only Head. We believe that the Church Invisible consists of all the redeemed, and that the Church Visible embraces all who profess the true religion together with their children. We receive to our communion all who confess and obey Christ as their divine Lord and Saviour, and we hold fellowship with all believers in Him.

We receive the Sacraments of Baptism and the Lord's Supper, alone divinely established and committed to the Church, together with the Word, as means of grace; made effectual only by the Holy Spirit, and always to be used by Christians with prayer and praise to God.

Article XV. Of the Last Judgment.

We believe that the Lord Jesus Christ will come again in glorious majesty to judge the world and to make a final separation between the righteous and the wicked. The wicked shall receive the eternal award of their sins, and the Lord will manifest the glory of His mercy in the salvation of His people and their entrance upon the full enjoyment of eternal life.

ARTICLE XVI. OF CHRISTIAN SERVICE AND THE FINAL TRIUMPH.

We believe that it is our duty, as servants and friends of Christ, to do good unto all men, to maintain the public and private worship of God, to hallow the Lord's Day, to preserve the sanctity of the family, to uphold the just authority of the State, and so to live in all honesty, purity, and charity, that our lives shall testify of Christ. We joyfully receive the word of Christ, bidding His people go into all the world and make disciples of all nations, and declare unto them that God was in Christ reconciling the world unto Himself, and that He will have all men to be saved and to come to the knowledge of the truth. We confidently trust that by His power and grace, all His enemies and ours shall be finally overcome, and the kingdoms of this world shall be made the kingdom of our God and of His Christ. In this faith we abide; in this service we labor; and in this hope we pray,

Even so, come, Lord Jesus.

—1902, p. 93.

VI. OF ERECTING NEW SYNODS, CHANGING THEIR BOUNDARIES, DISSOLVING THEM, TRANSFERRING PRESBYTERIES AND CHURCHES.

[NOTE.—See under Form of Government, Chap. xi, *supra;* Moore's *Digest*, 1886; *Minutes*, *passim*, especially 1870, pp. 86–88; *Digest*, pp. 182–187, when the Assembly exercised its power to consolidate, adjust and define the boundaries of the Synods; and again in 1881, *Minutes*, pp. 562–565, *Digest*, pp. 503–506, when the Assembly consolidated the existing Synods, bounding them as far as possible by State lines.

For changes in the boundaries of Synods see also Chap. xi, Form of Government, *Digest*, 1886, pp. 187, 188, and the acts constituting new Synods since the consolidation of 1881.]

[NOTE.—For Synods erected since 1881, see *Digest*, 1930, Vol. II, p. 389; also changes of boundaries, 1883, p. 630; 1884, p. 74; 1885, p. 605; 1889, p. 102; 1890, p. 37; 1893, p. 131; 1895, p. 79, and on to Synod latest erected, 1921, p. 199.]

1. Synod erected by dividing a Presbytery.

Overtures 1396, 1397 on the Erection of a New Synod, asking the Assembly "to divide the Presbytery of Florida into three Presbyteries, to be known as 'North Florida,' 'Southwest Florida' and 'Southeast Florida'; that the Presbytery of North Florida be made the legal successor of the Presbytery of Florida; and that these Presbyteries be constituted a Synod, to be known as the Synod of Florida." This Overture is accompanied with Papers describing the geographical boundaries of the Presbyteries, together with desired date and manner of constitution. It is recommended that this Petition be granted.—1921, p. 199.

2. To dissolve a Synod and transfer its Presbyteries.

a. [The Synod of Chesapeake was formed on Petition.—1833, p. 395.]

Resolved, 1. That the Synod of the Chesapeake be and the same is hereby dissolved.

2. That the Presbytery of East Hanover be and the same is hereby restored to the Synod of Virginia.

3. That the Presbyteries of Baltimore and of the District of Columbia be and the same are hereby restored to the Synod of Philadelphia.—1834, p. 451.

b. The Synod of Delaware [Erected.—1834, p. 451.] dissolved.

Resolved, That at and after the meeting of the Synod of Philadelphia in October next the Synod of Delaware shall be dissolved, and the Presbyteries constituting the same shall be then and thereafter annexed to the Synod of Philadelphia, and that the Synod of Philadelphia thus constituted by the union aforesaid shall take such order concerning the organization of its several Presbyteries as may be deemed expedient and Constitutional, and that said Synod, if it shall deem it desirable, make application to the next General Assembly for such a division of the Synod as may best suit the convenience of all its Presbyteries and promote the glory of God.—1835, p. 486.

c *Overtures Nos. 108* and *109*, from the Presbyteries of East Florida and South Florida, also a Memorial from the Presbytery of Havana. The Overtures ask for the dissolution of the Synod of Florida, and the Memorial from the Presbytery of Havana requests that it be transferred from the Synod of Florida to the Synod of New Jersey.

The following action is recommended:

Resolved, 1. That the request contained in the Overtures, viz.: To dissolve the Synod of Florida, U. S. A., be granted, and that the Synod of Florida be and is hereby dissolved.

Resolved, 2. That the three Presbyteries, East Florida, South Florida and West Florida, be consolidated into one Presbytery, to be known as the Presbytery of Florida, U. S. A., and that the Presbytery of Florida be and is hereby constituted.

Resolved, 3. That permission be granted to the colored ministers and churches within the bounds of the Presbytery of East Florida, when they shall ask it, to be transferred to the Presbytery of Knox.

Resolved, 4. That the Presbytery of Florida be directed to convene in St. Augustine, Florida, on the third Tuesday of November, 1907, at 7.30 P.M. and that Rev. W. W. Faris, D.D., or in case of his absence Rev. J. C. Stout, preach the opening sermon and preside until a moderator is chosen.

Resolved, 5. That the Presbytery of Florida, now erected, is hereby placed in connection with the Synod of Alabama, U. S. A.

Resolved, 6. That the Presbytery of Havana be transferred to the Synod of New Jersey.—1907, p. 228.

d. *Overture No. 141*, from the Presbytery of White River, asking for the dissolution of the Synod of Canadian, or that the Presbytery be disconnected from that Synod and attached to the Synod of Missouri. The reasons assigned are the geographical conditions, making a long journey necessary in order to attend the meetings of Synod, and the financial inability of the members of Presbytery to meet the expense necessary for the journey.

Your Committee have carefully considered the Overture, and we fully recognize the financial difficulties in the case. However, we judge it to be of the first importance for the prosecution of the work among the colored people that the existence of the Synod of Canadian should be maintained. The withdrawal of the Presbytery of White River would involve the dissolution of the Synod. We hope that in the near future a more satisfactory adjustment may be made. We, therefore, recommend the adoption of the following:

Resolved, 1. That the request of the Presbytery of White River to be united with the Synod of Missouri be refused.

Resolved, 2. That it is important that under present conditions the Synod of Canadian should be maintained in its work. Recognizing, however, the financial difficulties which hinder certain members of the Presbytery of White River from attending the meetings of the Synod, the General Assembly hereby authorizes and directs the Board of Freedmen to make a special grant, not exceeding one hundred and ten dollars ($110), to the Presbytery of White River, for the purpose of aiding its delegates in their attendance upon the Synod. This amount shall be equitably distributed among the ministerial delegates to the Synod; no one of whom shall receive a sum exceeding ten dollars. This grant shall be an annual one for the period of two years, unless terminated sooner by the action of the new Synod.

Overture No. 168, from the Presbytery of Rendall, also concerns the same subject treated in the foregoing answer to *Overture No. 141*, so that no further action is necessary.—1908, p. 172.

3. Only the Assembly has power to divide a Synod.

Overture No. 140, from the Synod of Atlantic, asks that the Assembly invest that Synod with plenary power to divide itself into two Synods. It is the opinion of this Committee that only the Assembly would have the power to divide the Synod, and that it is not expedient to divide this Synod until there shall be such development in the work as shall justify its division.—1908, p. 51.

4. Legal successor to a Synod designated.

The Committee recommend the passage of the following act by the General Assembly:

It is enacted by the General Assembly of the Presbyterian Church in the U. S. A., in session at Winona Lake, Ind., on May 28, 1898, that the Synod of Central and Southern China be and hereby is declared to be the legal successor of the Synod of China, and that all the Records, Papers, and other legal documents connected with the said Synod of China be and hereby are transferred to the care, custody, and official control of the said Synod of Central and Southern China.—1898, p. 133.

5. Churches transferred from one Synod to another.

a. That the request of the Synod of Indian Territory, that the First Presbyterian Church of Mena, Ark., in the Presbytery of Choctaw, of said Synod, be transferred to the Presbytery of Ozark, Synod of Missouri, be granted. The Committee states that while no formal action of the Synod of Missouri on the subject was presented to it, yet satisfactory evidence was presented to show that some action approving of the proposed change had been adopted.—1901, p. 90.

b. "The Synod of Colorado begs leave to call the attention of the next General Assembly to the fact that by the action of the last General Assembly, as recorded on page 177 of the published *Minutes*, there are certain sections of the State of Wyoming which belong to the two Synods of Colorado and Utah respectively, and to three Presbyteries, Wyoming, Utah, and Kendall. The Synod of Colorado overtures the General Assembly to take such action as will properly locate the churches of Evanston and Cokeville."

Your Committee recommend that the churches of Evanston and Cokeville be transferred to and placed under the care of the Presbytery of Wyoming, in the Synod of Colorado, since they are geographically within the bounds of that Presbytery. —1905, p. 205.

c. The Committee has had before it *Overture No. 54*, from the Synod of Washington, with the certificate of the concurrence of the Synod of Oregon therein, on the boundaries of said Synods; and also *Overture No. 214*, from the Presbytery of Puget Sound, asking for the creation of a new Presbytery, containing churches some of which now belong to the Synod of Washington and some to the Synod of Oregon. The General Assembly adopts the following Enabling Act, to wit: *Be it enacted*, 1. That the boundaries of the Synods of Oregon and Washington be changed by taking from the former and adding to the latter the part of the Synod of Oregon, as at present constituted, which lies within the boundaries of the State of Washington.—1901, p. 89.

6. Action on the independent Synod of Mexico.

Overtures Nos. 56, *57*, and *223*, from the Presbyteries of Zacatecas, Gulf of Mexico, and City of Mexico, located in the Republic of Mexico, and at present in connection with the Synod of Pennsylvania, asking that these three Presbyteries be allowed to unite with the Presbytery of Mexico, at present in correspondence with the Presbyterian Church of the United States (known as the Southern Presbyterian Church), and together constitute themselves into an independent Synod of Mexico; it being understood that this proposition is unanimously favored by the Board of Foreign Missions, and that it is in entire harmony with the settled policy of the Foreign Board concerning missions in foreign lands, which policy has been already approved by the General Assembly.

It is also to be understood that the Board of Foreign Missions will still continue its supervision over the missions in Mexico. It is further understood that corresponding relations will be continued between the General Assembly of the Presbyterian Church in the United States of America and the proposed Synod of Mexico. The Petition also gives assurance that the Standards of the Presbyterian Church in the United States of America shall be adopted as the Standards of the Synod of Mexico, and that the Form of Government of the Presbyterian Church in the United States of America shall be the Form of Government of the Synod of Mexico.

Your Committee therefore recommends that the Petition of the Presbyteries of Zacatecas, City of Mexico, and Gulf of Mexico, be granted. We also recommend that the Moderator of this General Assembly appoint a Commission of not less than five, who shall represent the General Assembly of the Presbyterian Church in the United States of America at the organization of the Synod of Mexico, at such time and place as may suit the convenience of all concerned. This Commission shall provide for its own expenses.—1901, p. 118.

7. The Synod of India dismissed to unite with the Presbyterian Church in India.

a. *Overtures Nos. 28* to *32*, from the Synod of India, and from the Presbyteries of Lodiana, Furrukhabad, Lahore, and Allahabad, asking that permission be granted the Synod to unite with the Presbyterian Church in India. These Overtures contemplate the establishment of the General Assembly of the Presbyterian Church in India, by the representatives of the following Churches: 1, The Presbyterian Church of Ireland; 2, The Established Church of Scotland; 3, The Presbyterian Church in England; 4, The Presbyterian Church in the United States of America; 5, The Gopalgunge Presbyterian Mission in Bengal; 6, The United Free Church of Scotland; 7, The Welsh Calvinistic Methodist Church; 8, The Presbyterian Church in Canada; and 9, The Reformed Dutch Church, now united with the South India Synod.

Of these churches the proposed union has been approved by the Presbyterian Church of Ireland, the Established Church of Scotland conditionally, the Gopalgunge Mission, and the South India United Church; and in the *Minutes* of our General Assembly for 1903, page 170, "it was ordered that Record be made of the Assembly's approval of the union of the Presbyterian Church in India." The Committee recommends that the request be granted and that the Assembly enact as follows: That the Synod of India, with its component Presbyteries, be dismissed to unite with the Presbyterian Church in India, said dismission to take effect when the Synod is received into the Presbyterian Church in India.—1904, p. 178.

b. A letter has been received from the Stated Clerk of the late Synod of India, stating that the said Synod, with its Presbyteries, was received into the Presbyterian Church of India, December 19, 1904. The action of the Assembly of 1904, directing the dismission of this Synod to the Presbyterian Church of India has, therefore, been completed.—1905, p. 214.

8. Union Synod in China approved and Synods set aside to unite therewith.

a. This Assembly heartily approves of the movement toward the union of the Presbyterian bodies in China, provided only it can be consummated under conditions acceptable to our Board of Foreign Missions and to this Assembly.—1904, p. 220.

In the two matters of *Overtures Nos. 260* and *285*, from the Synods of West Kwang Tung and Central and Southern China, requesting to be set aside that they may unite with the Union Synod of China, the Committee recommends the adoption of the following:

Resolved, 1. That the General Assembly, completing its action of 1904, approves the formation of the Union Synod of China, in which the various Presbyterian bodies in China propose to unite, for the purpose of forming the "Presbyterian Church in China."

While the Assembly regrets the consequent separation from the mother Church of the beloved and faithful brethren who under God have built up the kingdom of Jesus Christ in the Empire of China, it can but offer its heartiest congratulations to the new Church and its prayers and best wishes for God's richest blessings on the Presbyterian Church of China.

Resolved, 2. That in accordance with the request of *Overture No. 260* the Synod of West Kwang Tung, with the exception of the Presbytery of Manila, be set aside to unite with the Union Synod of China.

Resolved, 3. That the Presbytery of Manila, on the consummation of this union, be transferred to the Synod of Kansas.

Resolved, 4. That the Synod of Central and Southern China be set aside to unite with the Union Synod of China as requested.

Resolved, 5. That the Synod of North China, from which no formal Overture has been received, be granted permission to unite with said Union Synod of China, in case it so desires.—1906, p. 102.

9. Union Presbyterian Church in Korea approved.

That the Assembly record its approval of the plan to organize in Korea a Union Presbyterian Church, in conjunction with the missionaries and Korean Christians connected with the Presbyterian Church in the U. S. (commonly known as the Southern Presbyterian Church), the Presbyterian Church of Canada, and the Presbyterian Church of Australia, and that the missionaries of our Church in Korea be and hereby are authorized to unite with the missionaries and Korean Christians of any or all of the other Churches named in all necessary steps to this end.—1905, p. 124.

VII. OF ERECTING AND DISSOLVING PRESBYTERIES.

1. Cases before 1870.

a. See the act of the General Synod (*Minutes*, 1786, p. 522). It assumed jurisdiction over the whole matter of dividing, erecting, etc. The Presbytery of Carlisle was divided, and the Presbytery of Huntingdon formed on "an Overture through the Synod of Philadelphia."—1794, p. 89.

b. On Petition of the Presbytery of Albany, that Presbytery was divided, and the Presbyteries of Columbia, Oneida and Albany formed. At the same time the following was adopted, viz.:

Whereas, The Assembly have this day determined, upon an application from the Presbytery of Albany, that the said Presbytery may be divided into three, and in the investigation of this subject circumstances were stated to exist which led the Assembly to judge such division proper, and perhaps necessary, at this time; and

Whereas, Doubts arose whether it was proper for the Assembly to interfere for the purpose of making such division, the proposal not having been first laid before the Synod, as it would establish a precedent which might tend to confusion and in the end to schism; the Assembly think it expedient to declare that their decision in this case has been particularly influenced by the pressure of circumstances, and is not to be considered as forming a precedent for future conduct.—1802, p. 252.

c. On Petition of the Presbytery of Oneida it was divided, and the Presbytery of Geneva formed.—1805, p. 324. On application of certain ministers and churches in the Territory of Michigan, the Presbytery of Detroit was formed.—1827, p. 206. Chenango.—1826, p. 176.

d. Philadelphia Second (Assembly's). The Synod of Philadelphia, having merged the two Presbyteries of Philadelphia, and divided them by a line, an Appeal was taken.

Resolved, 1. That the Appeal and Complaint of the Second Presbytery of Philadelphia against the Synod of Philadelphia, be and the same are hereby sustained, and the act of said Synod, so far as it was intended to unite the said Second Presbytery with the Presbytery of Philadelphia, is hereby declared void.

2. That this resolution shall not be so construed as to affect the integrity of the Presbytery which was constituted under the order of the Synod of Philadelphia by the name of the Second Presbytery of Philadelphia in November last, but the same is hereby recognized as a constituent part of the Synod of Philadelphia. The Assembly, however, recommend to the Synod to change the name of said Presbytery.—1834, p. 432.

[Against the action of the Assembly a protest was entered, viz.:]

We believe the power exercised by the General Assembly of 1832, and now reëxercised by this Assembly, to form a Presbytery within the bounds of the Synod and against her decision, is without foundation in our Form of Church Government.

In the Constitutional distribution of powers and checks and designation of rights and duties among the several judicatories of the Church, the power to "erect new Presbyteries, and unite or divide those which were before erected" (Form of Government, Chap. xi, Sec. iv), is distinctly and exclusively secured to Synods. And the practice of the General Assembly, from the establishment of this body till the present, has been, we believe, in accordance with these views. The principle assumed by the majority in this body and recognized by the Assembly in the above decision, and on which the appellants rest their plea, that the duty "of superintending the concerns of the whole Church" (Form of Government, Chap. xii, Sec. v) invests the Assembly with all powers necessary to accomplish that object, at her own discretion, tends to abolish the Constitutional rights of Synods, Presbyteries and church Sessions, to confound and contravene those original and essential principles of ecclesiastical government and order which constitute and characterize the Presbyterian Church.—1834, p. 446.

[To this the Assembly replies:]

1. That the Form of Government vests in the General Assembly the power of "deciding in all controversies respecting doctrine and discipline," and to "issue all appeals and references brought before them from the inferior judicatories" (see Form of Government, Chap. xii, Sec. v). Now, as the question as to the erection and existence of the Second Presbytery of Philadelphia came regularly before the Assemblies of 1832 and 1834, by Appeal and Complaint from the lower judicatories, the said Assemblies not only had a right to "decide" finally, but were imperiously called upon to "issue" the case.

2. The *Minutes* of the General Assembly for 1794, 1802, 1805 and 1826 show that the Assembly has in extraordinary cases claimed and exercised the right of organizing new Presbyteries, and such Presbyteries have always been regarded as regularly and Constitutionally organized.

3. The Form of Government vests the right of deciding questions of Constitutional law, not in the Synods, but in the General Assembly; consequently, if it be proved, which is not the fact, that the General Assembly has exceeded their powers in organizing the Second Presbytery of Philadelphia, it would by no means follow that the Synod of Philadelphia had authority to rejudge and disannul the solemn acts of the highest judicatory of the Church. In this view of the subject, the General Assembly were bound to sustain the Appeal and Complaint of the Second Presbytery, from respect to the grave decision of former Assemblies, as well as from regard to the rights of the complainants.—1834, p. 451.

e. The Third Presbytery of Philadelphia.—1836, p. 278.

f. The Presbytery of Luzerne was formed by the Assembly.—1843, p. 195, O. S.

g. The Presbytery of Wisconsin.—1846, p. 194, O. S. In this case the Assembly directed "that upon their organization the ministers aforesaid be *ipso facto* detached from the Presbyteries to which now they respectively belong."

h. The Presbytery of Ningpo. *Resolved,* That the Rev. Messrs. M. S. Culbertson, of the Presbytery of Carlisle; A. W. Loomis, of the Presbytery of Albany; R. Q. Way, of the Presbytery of Charleston, and J. W. Quarterman, of the Presbytery of Georgia, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of Ningpo.—1848, p. 20, O. S.

That the Rev. A. P. Happer and William Speer, of the Presbytery of Ohio, and the Rev. John B. French, of the Presbytery of Baltimore, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery to be called by such name as those brethren may choose.

The Presbytery of Amoy. And that the Rev. John Lloyd, of the Presbytery of Huntingdon, and Hugh S. Brown, of the Presbytery of Logansport, so soon as a third minister of our Church shall be associated with them, be authorized to form themselves into a Presbytery, to be called the Presbytery of Amoy, and shall *ipso facto* be detached from the respective Presbyteries with which until then they shall be connected.—1848, p. 20, O. S.

Resolved, That the foregoing new Presbyteries shall meet for the purpose of being organized at such times and places as the members thereof shall respectively agree on, and that the eldest minister of each who may be present shall preside until a moderator be chosen.

Resolved, That the aforesaid Presbyteries be rated for the present as component parts of the Synod of New York, but that as soon as the Presbytery of Amoy shall be organized, the three Presbyteries in China shall be authorized to form themselves into a Synod, to be called the Synod of China; that they meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister who may be present shall preside until a moderator be chosen.

i. Presbytery of Western Africa. *Resolved,* That the Rev. James M. Connelly, of the Presbytery of West Tennessee; James M. Priest, of the Presbytery of New York, and the Rev. H. W. Ellis, of the Presbytery of Tuscaloosa, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of Western Africa; that they shall meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister present shall preside until a moderator be chosen. And further, that the Presbytery of Western Africa shall be attached for the present to the Synod of Alabama.—1848, pp. 20, 21, O. S.

j. Presbytery of the Creek Nation. *Resolved,* That the Rev. R. M. Loughbridge, of the Presbytery of Tuscaloosa; H. Ballentine, of the Presbytery of New Brunswick, and D. W. Eakins, of the Presbytery of Philadelphia, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of the Creek

Nation; that they shall meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister present shall preside until a moderator be chosen. And further, that the Presbytery of the Creek Nation be attached for the present to the Synod of Mississippi.—1848, pp. 20, 21, O. S.

k. Presbytery of California.—1849, p. 264, O. S. Presbytery of San Francisco.—1849, p. 176, N. S. The persons named are hereby detached from their respective Presbyteries and constituted a Presbytery.

Presbytery of Oregon. *Resolved*, That the Assembly do hereby order and constitute a Presbytery in Oregon, consisting of Messrs. Thompson, Geary and Robe; and that they be empowered to assemble and constitute themselves a Presbytery at such time and place during the ensuing summer or autumn as may be found most convenient to them, and report to the next General Assembly, and for this purpose these brethren be detached from the Presbytery to which they belong, and when formed, the said Presbytery be attached to the Synod of New York; and the Presbytery to be called the Presbytery of Oregon.—1851, p. 35, O. S.

l. Presbyteries of Sierra Nevada and San José.—1857, p. 383, N. S., and *passim.*

m. *Reference III.* Overture 31. The 1927 General Assembly directed the General Council to lend its coöperation in connection with the dissolving of the Presbytery of Pittsburgh (Welsh) that the dissolution of said Presbytery might be consummated in accordance with the Constitution. The General Council would report that through the Stated Clerk of the General Assembly detail instructions were given the Moderator of said Presbytery as to the proper course of procedure and that said Presbytery was duly dissolved on December 5, 1927.—1928, p. 101.

[Note.—See also the changes, consolidations and transfers of Presbyteries brought about by the consolidation of the Synods in 1870.—Moore's *Digest*, 1886, pp. 182–187. Also, in 1881, *Digest*, 1886, pp. 503–505.]

2. Assembly may readjust Presbyterial lines notwithstanding protest of Presbyteries concerned.

Overtures Nos. 626 to *628*, from the Synod of South Dakota and the Presbyteries of Aberdeen and Reserve, relating to a readjustment of the Presbyterial lines of said Synod, the proposed readjustment involving the dissolution of the Presbytery of Reserve. The two Presbyteries named protest against the action asked for by the Synod, and assign reasons for this protest.

It is recommended that Synod's action be approved, and the protests of the Presbyteries be dismissed.—1914, p. 157.

VIII. TO TRANSFER CHURCHES FROM ONE PRESBYTERY AND SYNOD TO ANOTHER.

1. Cases adjudicated.

a. A *Petition* from the congregation of Solesbury, under the care of the Presbytery of Philadelphia, referred to the Assembly by said Presbytery, was overtured and read. This Petition requested that the congregation of Solesbury be separated from the Presbytery of Philadelphia and attached to the Presbytery of New Brunswick. This request having previously been before the Synod of Philadelphia, and having been referred to the Presbytery by the Synod, and the Presbytery having given their consent, it was resolved that the request be granted, and it hereby is granted, and the congregation of Solesbury is detached from the Presbytery of Philadelphia, and connected with the Presbytery of New Brunswick.—1824, p. 105.

b. *Overture* from the Presbytery of Erie, and from the Session of the churches of Bradford and Kendall Creek, requesting that the said churches of Bradford and Kendall Creek, with their pastors, be transferred from the Presbytery of Buffalo to the Presbytery of Erie—the Synod of New York and the Presbytery of Buffalo concurring.

We recommend that the request be granted, and the proposed transfer of the churches and ministers therein named be and is hereby directed.—1887, p. 81.

c. Certain territory transferred from the Presbytery of Catawba and Synod of Catawba, to the Presbytery of Holston, Synod of Tennessee.—1889, p. 77.

d. *Overture No. 253,* from Presbyteries of Coos Bay and Southern Oregon, with reference to a transfer of territory from the latter to the former. No ministers or church being affected thereby, the matter is approved and submitted by Synod of Oregon to this General Assembly for approval and final action. It is recommended that the change called for be effected.—1920, p. 194.

e. *Overture No. 63* from the Synod of Western (Welsh) asking that the Synod be dissolved, the Churches to join the nearest Presbytery and Synod. It is recommended that this Overture be answered in the affirmative.—1922, p. 198.

f. *Overtures* from the Presbyteries of Baltimore and Westminster, and the Synods of Baltimore and Pennsylvania, requesting a change in the boundary line between the Synods of Baltimore and Pennsylvania. This is a case where a church in Pennsylvania, connected with the Presbytery of Westminster, in erecting a new church building, located the same in the State of Maryland, within the bounds of the Synod of Baltimore. They desire, however, to retain their ecclesiastical connection with the Presbytery of Westminster, and with the Synod of Pennsylvania. To this, all the parties in interest are agreed, and all unite in requesting the General Assembly to authorize the same. *Answer:* The General Assembly, without enacting any change in existing boundary lines, directs that the Slate Ridge Church, while occupying its present site, shall continue to be connected with the Presbytery of Westminster, and with the Synod of Pennsylvania.—1894, p. 141. (See p. 252.)

2. Transfer of churches not to be made without approving action of receiving body.

Overtures Nos. 633 to *636*, from the Executive Commission of the Synod of the West (German), and the Presbyteries of Galena, George, and Waukon, relating to the transfer of churches from one Presbytery and Synod to another Presbytery and Synod, asking the Assembly "to take such action or issue such statement as will give the receiving courts interested in a proposed transfer of a church, the same rights and privileges, in the matter of being officially consulted, as the dismissing courts interested."

It is recommended that in cases where the transfer of a church from one jurisdiction to another is sought, the transfer shall not be made without action approving the same by the receiving body.—1914, p. 158.

IX. TO TRANSFER MINISTERS FROM ONE PRESBYTERY TO ANOTHER OR TO A NEW ONE.

1. Cases adjudicated.

1. **a.** There being no quorum of Presbytery.—1858, pp. 268, 280, O. S.

b. In forming new Presbyteries or Synods, see above. Also the Enabling Act of 1870, Chap. xi, Sec. ii.—1872, p. 94.

2. *Overture No. 553*, from West Jersey Presbytery, relating to the transfer of a minister, asking the Assembly to authorize the Presbytery of Yukon to enroll the name of Rev. Wallace Marple, as a member of said Presbytery, after receipt of a letter of dismission from the West Jersey Presbytery. The Assembly grants this request and authorizes the Stated Clerk of the General Assembly to enroll the name of Rev. Wallace Marple as a member of the Presbytery of Yukon.—1917, p. 196.

3. The Standing Committee on Polity through its chairman, Rev. Dr. H. G. Mendenhall, reported recommending that the Rev. George G. Bruce be transferred from the Presbytery of Yukon to the Presbytery of Alaska, in view of the fact that the Presbytery of Yukon meets only once a year.—1917, p. 232.

X. TO RECEIVE OTHER ECCLESIASTICAL BODIES.

1. Cases adjudicated.

a. The Presbytery of Suffolk.—1749, p. 238. Of Dutchess County.—1763, p. 330. See Baird's *Digest*, Revised Edition, p. 562.

b. The Presbytery of Charleston.

Resolved, That the prayer of the Petition be granted, and that said Presbytery, retaining their name and their charter of incorporation, be and they hereby are taken into connection with the General Assembly; *Provided, however*, That the members of said Presbytery shall have adopted the Confession of Faith and the Constitution of the Presbyterian Church in the United States of America, and shall also effect a compromise or union with the Presbytery of Harmony, which transaction shall be subject to the review and control of the Synod of the Carolinas.—1811, p. 475.

c. Presbytery of Pittsburgh of the Reformed Presbyterian Church.

The same Committee also reported an application from the Presbytery of Pittsburgh, of the Reformed Presbyterian Church, to unite as a Presbytery with the General Assembly of the Presbyterian Church, and to become subject to the jurisdiction of this body, on the simple condition of being allowed to remain, as they are still attached to the great principles of the Reformation, without being disturbed in their time-honored modes of worship and economical usages generally.

On the recommendation of the Committee the request was granted.

The Committee also recommended that the Presbytery of Pittsburgh be attached to the Synod of Allegheny, and that Rev. John McMillan be enrolled as a member of this General Assembly as a delegate from that Presbytery.—1870, p. 30.

XI. TO DEFINE THE SUCCESSION OF PRESBYTERIES.

Overture No. 7, from the Presbytery of Chester, respecting the succession to the late Presbytery of New Castle: The Committee report that the Synod of Philadelphia, in its reconstruction of Presbyteries, declared that the Presbytery of Chester was the legal successor of the late Presbytery of New Castle, and that the Synod of Baltimore also declared that its present Presbytery of New Castle was the legal successor of the old organization. It appears, however, that the ministers and churches of the old Presbytery are equally divided between the present Presbyteries of New Castle and Chester, and so neither is entitled to the succession. The Committee think that as the present Presbytery of New Castle has the name of the late organization, the town where the first organization was made, the chief part of the original territory, early history, and associations and a valuable charter from the State of Delaware, under which some property is now held, it should also have the succession, and the following resolution is, therefore, recommended:

Resolved, That the Presbytery of New Castle, in the Synod of Baltimore, be and the same is hereby declared to be the legal successor of the late Presbytery of New Castle, and as such is entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties of that Presbytery.

It is also recommended that the candidates and licentiates who were under the care of the former Presbytery of New Castle, at the date of the Reconstruction Act of 1870, but who resided in the territory embraced in the present Presbytery of Chester, be attached to the latter Presbytery. —1871, p. 539.

[NOTE.—See also under the Reconstruction Act of 1870, *Minutes*, pp. 91-97; Moore's *Digest*, 1886, pp. 182-187; and under the act of reorganization, 1881, *Minutes*, pp. 562-565; *Digest*, 1866, pp. 502-505.]

XII. CORRESPONDENCE WITH OTHER CHURCHES.

[NOTE.—For correspondence in detail with various denominations and churches, see *Digest*, 1930, Vol. II, p. 91–303.]

1. General Assembly has sole jurisdiction in matters of comity and coöperation with other Churches.

The Permanent Judicial Commission, sitting not as a Judicial Commission, but as a Special Committee, to which reference was made by the General Assembly of 1918, of the matter of the approval of the Minutes of the Synod of Texas, submits the following:

The Report of the Committee composed of the Members of the Permanent Judicial Commission is that it approves the 1917 Minutes of the Synod of Texas, except as to the argument contained in the Report on the Records of the Presbytery of Jefferson, beginning on p. 73 of the official printed Minutes, concerning the powers of the General Assembly in making comity agreements.

According to the Constitution of the Church, as found in the Form of Government, Chap. xii, Sec. v, the General Assembly alone has the power of correspondence with foreign churches, and therefore is the only body to establish comity relations with foreign churches, except as the Assembly may confer the authority in connection therewith upon either Synod or Presbytery, subject to their reporting to the Assembly.

The *Minutes* of the General Assembly for 1917, contain the following deliverance of the Assembly at p. 285:

"In particular is the sole jurisdiction of the General Assembly made evident in all the history of the Church, in connection with comity and coöperation with the Churches of the Presbyterian family in the United States. The comity arrangements established in 1870 with such churches as the Reformed Church in America, the Presbyterian Church in the U. S., the United Presbyterian Church, etc., have always been subject to the enacting power of the General Assembly . . . No other judicatory of the Church is vested with power to enter into any plan of comity or coöperation with any other Christian body, except with the consent of the General Assembly. No more than a State of the Federal Union can make a treaty with a foreign nation, can a Synod or Presbytery of its own motion establish a plan of comity or coöperation with another church. And it is because of this fact that it is proper to note that Acts of the General Assembly, as to comity and coöperation adopted within the past few years, on the recommendation of an Assembly Committee, or on the recommendation of the Council of the Reformed Churches, emphasize the rule that Presbyteries and Synods of this Church have acted under such plans only with the consent of the Assembly, and that they have no independent power in such matters."

Sec. vi of Chap. xii of Form of Government, provides as follows:

"Before any overtures or enactments proposed by the Assembly to be established as rules regulative of the Constitutional powers of presbyteries and synods, shall be obligatory upon the Church, it shall be necessary to transmit them to all the presbyteries, and to receive the returns of at least a majority of them, in writing, approving thereof, and such rules, when approved, shall be appended to the Constitution of the Church."

This is not to be interpreted as in conflict with the power of the General Assembly above defined, inasmuch as the Constitution does not anywhere confer upon Presbyteries or Synods the right of corresponding with foreign churches.

Further, the General Assembly has always been careful not to interfere in any manner with the powers of Presbyteries or Synods, except insofar as it has the Constitutional right to review Records, and to receive and issue all Appeals, Complaints and references.—1919, p. 180.

2.* Comity cases with Presbyterian Church, U. S.

The General Assembly of the Presbyterian Church in the U. S. forwarded a Memorial to the General Assembly of the Presbyterian Church in the U. S. A., meeting at Rochester, N. Y., which was submitted to the Committee on Bills and Overtures of the General Assembly of 1915 (see *Minutes*, General Assembly, 1915, pp. 102, 103). In relation to this Memorial, the General Assembly, on the recommendation of the Committee on Bills and Overtures, adopted the following resolutions:

"*Resolved*, That Papers which have been referred to the Committee on Bills and Overtures, in the matter of the Memorial of the Presbyterian Church in the U. S., are hereby referred to the Executive Commission, with power, and they are directed:

1. To confer with our own Presbyteries and Synods involved, in order that the facts in the case may be known, and that the rights of our Pres-

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*For explanatory Minute, see below, p. 333.

byteries may be safeguarded and that justice may be done to all concerned.

2. Also to confer with any Committee or other agency that may be appointed by the General Assembly of the Presbyterian Church in the U. S., in a spirit of fraternal and brotherly kindness.

3. Also to endeavor to make more definite the basis of comity between the bodies.

Resolved, That, if adopted, this action be telegraphed by the Stated Clerk to the General Assembly of the Presbyterian Church in the U. S., in session at Newport News, Va."

The Executive Commission, in order to conduct this important business in a prompt and adequate manner, appointed a Committee to represent itself, consisting of the Rev. Maitland Alexander, D.D., Rev. F. N. MacMillan, D.D., Mr. William U. Follansbee, and as member *ex officio*, Rev. J. Ross Stevenson, D.D., with Rev. W. H. Roberts, D.D., as Secretary. The Committee appointed by the General Assembly of the Presbyterian Church in the U. S. was composed of the Rev. W. McF. Alexander, D.D., Rev. R. B. Willis, D.D., Rev. T. A. Wharton, D.D., Rev. J. S. Lyons, D.D., and Rev. Homer MacMillan, D.D.

The two Committees met at Pittsburgh, Pa., and Atlantic City, N. J., November, 1915; at Atlanta, Ga., December 13, 1915, and at Philadelphia, Pa., March 17, 1916. The conclusions reached through the deliberations of the Committees, and after full consideration of documents submitted, were presented to the Executive Commission at its special meeting at Philadelphia, Pa., April 6, 1916, and were duly approved.

The Rev. S. M. Templeton, D.D., Stated Clerk of the Synod of Texas, was heard fully by the Committee of the Commission, and the Rev. W. Francis Irwin, D.D., and Rev. B. P. Fullerton, D.D., representatives of the Board of Home Missions, were heard by both Committees.

A duly attested copy of the conclusions reached was delivered to the Rev. William McF. Alexander, chairman of the Committee of the Presbyterian Church in the U. S., and likewise to the chairman of the Executive Commission, Rev. J. Ross Stevenson, D.D. The Report thus approved, inasmuch as both the Committee of the General Assembly of the Presbyterian Church, U. S., and the Executive Commission of the Presbyterian Church in the U. S. A. had received power from the appointing General Assemblies, are a final settlement of the cases under consideration in the judgment of both Committees.

The Joint Committees of the General Assembly of the Presbyterian Church in the U. S. A. and of the General Assembly of the Presbyterian Church, U. S., at their meeting in Philadelphia, Pa., Friday, March 17, 1916, approved the following Paper drawn up by them jointly and transmitted to the Executive Commission of the Presbyterian Church, U. S.A., for its approval, as a final settlement of the cases involved.

Attest: WM. McF. ALEXANDER,
WM. H. ROBERTS.

Joint Report on the J. C. Barr Case.

Upon the case of the Rev. J. C. Barr, D.D., formerly a member of the Presbytery of New Orleans, under the jurisdiction of the Presbyterian Church, U. S., the joint Committees of the two Assemblies have reached the following conclusion, upon all the evidence submitted to them including a copy of the Report of the Committee of the Synod of Texas on the Records of the Presbytery of Jefferson, which was submitted simply for information.

1. That the reception of the Rev. J. C. Barr, D.D., by the Presbytery of Jefferson, upon a letter given to him by the Presbytery of New Orleans, dismissing him to the Presbytery of Nashville, certifying to his good and regular standing was within the jurisdiction of said Presbytery of Jefferson, and that said Rev. J. C. Barr, D.D., is a member of said Presbytery and subject to its jurisdiction.

2. That the conduct of the Rev. J. C. Barr, in connection with his work as pastor evangelist of the Presbytery of Jefferson, and of the Executive Commission of the said Presbytery, in the opinion of the Committees, was not harmonious with comity agreements and is to be deeply regretted. The Executive Commission, by virtue of the power given it by the General Assembly, directs the Presbytery of Jefferson, to observe carefully these agreements, in view of the great desirability for cordial coöperation in all Home Mission work by the several Presbyterian denominational churches carrying on work in the South.

3. That the receiving by the Presbytery of Jefferson of the call of Lafayette Presbyterian Church, New Orleans, La., to the Rev. J. C. Barr, was, in the judgment of the Executive Commission of the Presbyterian Church in the U. S. A., *ultra vires*, said Lafayette Church on its own showing being an independent Presbyterian Church, having renounced the jurisdiction of the Presbytery of New Orleans and declared that it was "to be governed in accordance with the Standards of the Presbyterian Church in the U. S. in loyalty to which it has never wavered, and from henceforth owing all allegiance to no Presbytery other than its own Session." The Commission is clear, that not only the reception of the call by the Presbytery of Jefferson from said church, but also the installation of the Rev. J. C. Barr, D.D., as pastor of said church by the Executive Commission of the Presbytery of Jefferson was without authority of law, and that, so far as the Constitution of the Presbyterian Church in the U. S. A. has to do therewith, is null and void.

The Commission further directs the Presbytery of Jefferson to remove from its roll the name of the Lafayette Church, New Orleans, Independent.

4. The Presbytery of Jefferson is hereby enjoined by the Executive Commission of the Presbyterian Church in the U. S. A. from receiving under its care churches under the jurisdiction of the Presbyterian Church in the United States, without conference, according to the rules of comity adopted by both bodies, and is directed to drop from its roll any churches which have been received in violation of said rules.

5. In the judgment of the Commission, since the continuance of the Rev. J. C. Barr with the Lafayette Church in its present status will involve misunderstanding and friction with the Presbytery of New Orleans, the Presbytery of Jefferson should assign him a new field of labor.

Joint Report on the Springdale Case.

The Executive Commission of the General Assembly of the Presbyterian Church in the U. S. A. is of the opinion that the Presbytery of Arkansas should have had conference with the organization of the Second

Presbyterian Church in Springdale, Ark., and it is recommended that in all cases in which the same question is involved, as in the Springdale case, conference be had with the Presbyteries of the other churches involved, so as to carry out the comity agreements between the bodies.

It is the judgment, further, of the Joint Committee of the two Churches that there should be only one Presbyterian Church in Springdale, Ark., not two.

The Executive Commission of the U. S. A. Presbyterian Church, by virtue of the power given to it by the General Assembly, therefore directs the Presbytery of Arkansas, U. S. A., to correspond and confer with the Presbytery of Washburn, U. S., with this end in view, viz., to ascertain in what way the elements that represent the Presbyterian Church in Springdale, Ark., can be best conserved and ultimately induced to become one harmonious Presbyterian Church.

Joint Report on the El Paso Case.

The judgment of the Joint Committee of the two Assemblies in the El Paso case is as follows:

Recognizing the present location of the Mexican work in El Paso of the Presbyterian Church in the U. S. A. as one of hurtful friction with the Mexican work of the Presbyterian Church in the U. S., previously established, and as contrary to the agreement between the two Assemblies touching foreign work in cities having less than 100,000 population, therefore, the Executive Commission of the Presbyterian Church in the U. S. A. directs that the said work of the U. S. A. Church among the Mexicans in El Paso be removed beyond the sphere of friction and hurtful rivalry, its location to be determined by the Joint Committees of the two Synods of Texas.

Rules of Comity.

The following rules were adopted by the Joint Committees, in addition to the Rules of Comity already in existence:

1. The covenants and agreements between the two Churches should be kept without modification or annulment, excepting through the contracting General Assemblies.

2. The right is recognized of a particular church to withdraw from its own body to that of the other, where it is done at its own motion *or* at the permission of its supreme judicatories, and the proper ecclesiastical and legal steps are taken.

For the Executive Commission of the General Assembly of the Presbyterian Church U. S. A.,

J. ROSS STEVENSON,
Moderator and Chairman.

For the Committee of five appointed to confer with the Commission of the General Assembly of the Presbyterian Church, U. S. A., by the General Assembly of the Presbyterian Church, U. S.,

WM. MCF. ALEXANDER,
Moderator and Chairman.

—1916, p. 211.

[Explanatory *Minute.*]

The Assembly again took up the consideration of the Report of the Executive Commission, and the Chairman, Rev. J. Ross Stevenson, D.D., presented a statement supplementary to Paragraph VIII, which was received, approved, and placed on Record. It is as follows:

In presenting the Report of the Executive Commission on certain matters of comity with the Presbyterian Church in the U. S., the Commission desires to state to the Assembly that it has learned that its Report has been wrongly interpreted in the public press in certain localities, which statements have worked an injustice to certain of the parties involved.

The Commission, therefore, desires that its action in the premises shall be interpreted and understood in harmony with its purpose and intent, which is as follows:

1. The Executive Commission desires it to be understood that in Recommendation 5 of this Report, regarding the relations of Dr. Barr and the Lafayette Avenue Church of New Orleans, it has acted in an advisory capacity, and that the relations of Dr. Barr with this church are in the hands of the Presbytery of Jefferson, subject to the decisions of the higher courts of the Church.

2. In the matter of the El Paso case, the Commission gave its direction on the assurance that concurrent action between the Committees of the two Synods of Texas could and would be secured.

The Commission desires it to be known by the Assembly that, according to the statements made by representatives of the Presbytery of Jefferson and the Synod of Texas, commissioners to this Assembly, their Records show that the Presbytery of Jefferson and the Synod of Texas both made an effort to confer with the corresponding bodies in the Presbyterian Church U. S., touching the matters complained of in the New Orleans case.—1916, p. 116.

3. Deliverances with regard to federated churches.

a. *Overtures 1394* and *1428* on federated churches, asking the Assembly "to make a deliverance defining a method of procedure by which a Presbyterian Church may federate with an evangelical church of another evangelical denomination; and if there be no such law of the Church, then to propose such amendments to the Constitution as will let such federation be effected." The following deliverance, an amended form of the Marion Presbytery Overture, is recommended:

"A. When it shall appear to any Presbytery by the consent or through the representations of the duly elected commissioners of a particular church, that the situation of the church is such as to make it desirable to unite in service and worship with one or more particular evangelical congregations under what is termed a "Plan of Federation." Presbytery may give its consent thereto.

"B. By federation it is meant that the conjoined congregations shall unite in electing a pastor and in worship or other local activities, but that each shall maintain its own denominational organization and affiliations.

"C. Presbytery shall maintain regular oversight over any Presbyterian congregation joining in such a federation.

"D. If the federated congregations shall desire to call as pastor a Presbyterian minister, the call shall be presented in the regular manner by the Presbyterian congregation, or if desired, by the federated congregation jointly, and after the call has been placed in his hands by Presbytery, if the minister shall accept the call, he will be installed by Presbytery, in the usual manner.

"E. If the federated congregations shall desire to call as pastor a minister of another denomination represented in the federation, consent may be given by Presbytery for the Presbyterian congregation to join with others in securing the call or otherwise engaging the services of the minister. Presbytery may also by joint action with similar bodies of other denominations take part in installing the pastor, or otherwise constituting the pastoral relations.

"F. When the pastor of a federated congregation approved by the Presbytery is a member of another denominational body, he may also at the discretion of Presbytery, become associate or corresponding member of Presbytery and be enrolled as such with his particular church in the Records and Reports of Presbytery, Synod and General Assembly."—1921, p. 198.

b. *Overtures 1323-1393*, on federated churches asking that "the Assembly rules be so amended that any evangelical ministers, serving a federated church of which a Presbyterian Church is a constituent member, may be authorized, upon request of the Session, to act as moderator of the Session, in all matters pertaining to the reception and dismissal of members, and in all matters pertaining to the local and benevolent Budgets of the Church. In all other matters the regularly appointed moderator of the Session shall preside." It is recommended that in view of previous action of this Assembly in connection with the Report of the Committee on Church Coöperation and Union, no action be taken. Attention is directed to the provision in the Constitution, permitting Sessions to choose their own moderators where it is highly inconvenient for the moderator appointed by Presbytery to attend.—1921, p. 197.

c. *Overture No. 261*, from Winona Presbytery, being the request in behalf of a federated church to extend rights, etc., to non-Presbyterian church members, etc. It is recommended that inasmuch as the granting of this request would involve unconstitutional action, no action be taken. —1920, p. 196.

d. The Assembly of 1921 referred to the Committee on Church Coöperation and Union an *Overture* from Winona Presbytery regarding Federated Churches, concerning which the Department of Coöperation and Union would make the following report of progress:

This Committee is asked to report on the subject of Federated Churches, so called. This is of growing importance because the tendency seems strong to combine in some manner weak or unsatisfied churches, and usually this seems to be either to avoid competition or to indicate a spirit of toleration between Christians. The correspondence frequently indicates a confusion of terms—"Union Church," "Community Church," and "Federated Church"—each being referred to as if substantially alike. In reality they are quite distinct.

A "Union Church" is usually the result of a consolidation of existing churches or a new organization which may be under the Presbyterian system, but need not be connected with any denomination; in either case, if organized as Presbyterian, under the authority of Presbytery, it is wholly governed by Presbyterian law, and every person uniting with it accepts that System. A "Community Church," if Presbyterian at all, is governed by Presbyterian law, although to meet local needs, it provides equipment and facilities for the public at large.

A "Federated Church" is quite different. As used in practice, it generally indicates two or more churches desiring to worship together and provide equipment and the services of a pastor at common expense, each maintaining its denominational ties and relations. Experience is as yet too limited to enable this Committee to comment on the expediency of this plan of union, but it is plain that it involves many important questions which will require study and comparison.

On the Presbyterian side, we note difficulties growing out of the spiritual government of such a church—the election of an eldership; its functions as a Session, and its relation to members of the united organization not Presbyterian; the reception of new members, or dismissal of those removing; the maintenance of a Presbyterian roll; questions of discipline and correction of errors; management of Sunday school, etc. Such an organization raises serious questions concerning church property. In so far as previously existing properties are concerned, it is evident that there is danger of infringing on the trust relation of property purchased and devoted to the propaganda of a settled and organic faith. It is also apparent that there is here a serious question as to the limitation or delimitation of the control of Presbytery. (See action of the General Assembly in the Janesville, Wis., case, *Minutes*, 1920, p. 88.)

The foregoing suggests a wide field for investigation and reflection before any definite plan can be suggested for advising the Church as to such "Federated" organizations, and we advise that this subject be reserved for further consideration and a later report. We know of no investigation now in progress officially to collect the results of experience on this subject, and yet we believe the facts are needed in sufficient detail before any just conclusion can be reached. We therefore suggest that this Department should be authorized to gather the materials on this subject and collate and arrange them to that end. We are informed that the Home Missions Council has collected much material on this subject, and that other organizations or committees have acted in the matter, all of which material will be available in carrying on this investigation.—1923, p. 304.

e. The Department of Church Coöperation and Union reports for the information of the General Assembly the following items:

In many places in the United States, the existence of two or more weak churches ministering to a limited population had led to the federation of two or more churches, and in some cases to the organization of what is known as a Community Church. Without passing on the wisdom of these combinations, our General Assembly has taken very definite action as to certain legal complications that have arisen. One of these has to do with the rights of a minority of the members of a Presbyterian Church thus federating.—Case of the Presbyterian Church of Janesville, Wis., vs. Synod of Wisconsin, *Digest*, 1922, Vol. I, pp. 115–118.

The Assembly recognized the power of the Presbytery to carry forward the installation of a Presbyterian minister in a federated church and also its power to enroll the pastor of such a church where he belongs to another denomination, being enrolled by the Presbytery as a corresponding member. Nor does the Assembly forbid a congregation "from originating and making effective any well-approved form of coöperation, in the working of which the rights of the Presbyterian Church are properly safeguarded under the existing decisions of the General Assembly:

"By federation is meant that the conjoined congregations shall unite in electing a pastor and in worship or other local activities, but that each shall maintain its own denominational organization and affiliations."

"Presbytery shall maintain regular oversight over any Presbyterian congregation joining in such a federation."—*Digest*, 1922, Vol. I, pp. 309, 310.

The Assembly of 1921 (*Minutes*, p. 197) declined to take action empowering an evangelical minister, not a Presbyterian, to act as Moderator of the Session in a federated church, and declared the proposal to extend the rights of Presbyterian membership to non-Presbyterian church members to be unconstitutional.—*Minutes*, 1920, p. 196.

The following recommendation was adopted, that in the organization of a church in a community where there is no adequate support for several denominations, it is desirable to choose a church relation acceptable to the majority (as nearly as possible to all), and to hold to that denomination definitely and specifically,—minister and people. (For Memorandum as to Federated Churches, see Supplement to these *Minutes*.)—1924, p. 62.

f. Report of Sub-Committee of the Department of Church Coöperation and Union on Federated Churches.

[Note.—This Memorandum was prepared by a Sub-Committee of the Department of Church Coöperation and Union. It appeared in the Minutes of the General Assembly, Part I, pp. 251-260, as a part of the appendix of said Assembly Minutes of 1924. It is here inserted for information only, as it was never formally considered by the Department, or passed upon by the General Assembly.]

In this report we must distinguish between "Federated," "Community" and "Union" churches. These usually grow out of a common condition, and are designed to solve a similar problem, but they are not alike. Our investigation is intended to answer inquiries from localities needing help to decide which is most effective. To this end we must note the differences.

A "Union" church is a distinct type, usually independent of any denomination at its origin or in the outcome, though its minister has generally denominational ties. As will be seen, it is isolated, and lies outside the category we are here considering.

A "Community" church is usually connected with some denomination, and differs from the usual type, chiefly in that it undertakes to serve a constituency of all denominations, to avoid occasion for overcrowding churches in a given neighborhood. As shown below such churches frequently depart from Presbyterian usage, sometimes widely, in their efforts to promote harmony.

A "Federated" church is a combination of two or more churches of different denominations, each unit seeking to preserve its relation to its own denomination, while doing religious work jointly.

All three must solve similar problems, as will be seen below, but the subject before this Sub-Committee requires especial study of the "Federated" church, and its difficulties as such; and also its relation, if any, to the Presbyterian body.

The overcrowding of church organizations in small communities arises from the natural desire to hold together worshippers of like faith and order, even where the community is too small or the Protestant constituency too weak to support them. In many places this is coming to be controlled by committees of the denominations in joint action, generally known as Councils of the Churches, but this is as yet far from universal. It is plain that the union or combined church, of any type, has its disadvantages. It lacks the spur of competition, and also the appeal of loyalty to an organization of one's own choice; and it frequently occurs that the union of several churches is little, if any, stronger or more effective than its single units were; yet there are many who hope great things from combination, and under some conditions nothing else has promise of success. Therefore a serious effort should be made to devise the best method and program for it.

The characteristics of a "Federated" church are chiefly these:

a. Neither of the constituent churches desires to abandon its relation to its own denomination, and yet they desire to work together, usually on an evangelical basis, in which they can all concur. To accomplish this they usually agree on a statement of fundamental belief, omitting everything controversial.

b. They usually desire, at the outset, to make contributions to or through the benevolent agencies of the different denominations, and adopt different methods of accomplishing this.

c. The pastor usually desires to maintain his relation to the Church of his own denomination, partly for historical or sentimental reasons, and partly because of the pension provisions of such a Church, the benefits of which he does not wish to lose in case of old age or sickness.

Methods of federating by written agreement are closely enough alike to be classified, and will illustrate the limitations and weaknesses inherent in the system.

In one a Presbyterian and a Methodist church have federated, under a defined program, leaving room for other denominations to unite with them. The outstanding articles of their agreement are these:

"Preamble. The Federated Church of..............is a voluntary association of independent church societies for mutual fellowship, public worship and the maintenance of a local religious organization under the leadership of one minister, with one budget, and a legislative cabinet for the better prosecution and advancement of the Kingdom of God, and the evangelization of our community.

1. Each church shall maintain its local organization intact. This organization to be directly responsible to its central body, boards, etc.

9. Matters pertaining to the Sunday School, Young People's League, and all other societies of the federated church shall be subject to the approval and oversight of the Session of the Presbyterian Church and corresponding body of the Methodist Episcopal Church. These same bodies shall have authority in all spiritual matters within their organization.

10. The calling of a minister shall be left in the hands of the federated congregation. The calling and continuance of the pastor and the pulpit supply shall be subject to the approval of the M. E. Conference and Presbytery.

13. The local affairs shall be attended to by a joint officiating board made up from an equal number of members from each denomination.

14. The officers of the governing cabinet shall be President, Vice-President and Recorder, elected from the membership of the church.

16. The Cabinet shall include one elected delegate from each society federated, who shall be considered the presiding lay officer of that society,

and be responsible for the records and maintenance of ecclesiastical life, together with the pastor.

17. The Pastor's Advisory Committee shall consist of the Pastor as Chairman, the President of the Cabinet, and an official from each society federating, to be chosen by the pastor. The function of this committee is largely in spiritual matters and others requiring quick action, purely advisory and not legislative.

18. Association membership in the federated church shall be granted to those persons who do not desire to belong to any particular sect, on their confession of faith that Christ is their personal Savior. They shall be examined by the Advisory Committee, remaining under their spiritual supervision and publicly received into membership by the Cabinet.

19. The accepted doctrine is as follows: 'I accept the Apostles' Creed, so-called, as a good definition and working basis for our common faith and doctrine.'

20. The yearly financial budget shall include the raising of all benevolent budgets sent down from the various church boards and a deacons' fund for local benevolence."

We observe that this organization, if it succeeds, cannot long have a close relation with the Presbyterian denomination, at least. For illustration we note:

a. There is no eldership, except in the original Presbyterian unit, and the functions of that Session seem to stop at the instant of federation, notwithstanding the provisions of Article 9 or Article 2, for no new members are to be received in that unit, and it is allowed no jurisdiction over any general question, or over members afterward admitted. New members are to be admitted by the "Cabinet," and it is not intended that these should be Presbyterians, for they comprise "those who do not desire to belong to any particular sect." Therefore, the Presbyterian unit cannot be expected to grow by additions, although room is left for this if demanded. There would be in such a federation (if consisting of two denominations only) three classes of members: (*a*) those who were Presbyterians *before* the federation; *b*) those who were Methodists before that date, and (*c*) those who are received afterwards, and who "do not desire to belong to any particular sect." This condition must continue throughout the life of the federation, and it will ultimately happen that its whole membership will consist of those received by the Cabinet.

b. Thus it would become independent, for it would provide its own tests for membership, and would not conform to the requirements even of the church bodies entering into the federation.

c. The pastor himself may be Presbyterian as an individual, but will be privately called and installed, and not in charge of a Presbyterian church, or doing Presbyterian work. The like will be true if hereafter the minister chosen should belong to a different denomination. The church will be under no supervision, and accountable to no one, either in doctrine, management or supervision.

Another instance, organized under a different agreement, has similar, and also differing difficulties. By its plan the denominational connection of its minister, for the time being, determines the church relation. It will be Presbyterian when it has a Presbyterian minister; Methodist when it has a Methodist minister; and so will as a body, shift its church relations to correspond with the changes in ministers. These results would follow:

1. While served by a Presbyterian pastor all will be Presbyterians, *ipso facto*, without ceremony, though many still hold Methodist memberships.

2. They will shift their membership *in a body*, with every change of pastor, without individual application or transfer.

3. It will be under the jurisdiction of Presbytery only casually, and while it has a Presbyterian minister, and this can be changed by the congregation at will, by choosing a minister of another denomination. *Ipso facto* Presbytery loses jurisdiction, and the church its right to representation.

4. Money contributed to buy church property or build a church will have no trust character impressed upon it, as in other cases; or at least this can be terminated by vote.

5. No comparative record can be kept of its membership or contributions, nor can it be counted upon as an asset in any denomination.

6. No system of doctrine nor form of church government, other than its own agreement, can be appealed to.

In short it will be independent, as the prior case, though for a different reason.

A third example, being tested in Chicago, is a Federation between a subsisting Presbyterian church and a Congregational one. The following is a summary of the principal provisions of its agreement:

It recites that the churches are near each other, and that one finds its equipment inadequate for its full program, and the auditorium of the other is sufficient to accommodate both.

The name federated church does not imply any dissolution or breaking of denominational ties. The local denominational organizations shall therefore be maintained to care for and receive members, to act as custodians of the property, and as channels of communication with the denominational interests at large.

The status of the property now owned by the churches federating shall not in any way be affected by this federation. The federated church shall keep up the properties, pay all debts, interest, taxes, and other liens accruing during the federated period.

The congregations shall unite for worship and service under the leadership of a pastor and such other paid workers as may be jointly chosen to serve the federated church.

Any one may join the federated church by becoming a member of either of the churches under the rules and regulations governing it.

The administration shall be in the hands of a Board of Directors consisting of seventeen members; one from the Board of Trustees of the federated churches; the Sunday School Superintendent and Associate Superintendent; the President of the C. E. Society; one representative from the Woman's Society of each of the federated churches; one from the Board of Deacons of one church, and one from the Session of the other church; one member each from the respective City Missionary Societies; two from a prominent city church of one denomination, and two members at large from each congregation.

The pastor shall be elected by the congregation of the federated churches.

This contract differs from the others in the following respects:

1. Members are not received by the federation, but by the church units severally. One seeking to join the church selects for himself.

2. The pastor is to be elected jointly by both congregations, and of course neither unit will have any jurisdiction over him.

3. Delegates to Presbytery, if any, would come from the Presbyterian unit only, and be chosen by it. Presbytery would have jurisdiction over that unit, but not of the federation, nor of the other unit; and the pastor would be chosen and called without reference to Presbytery.

4. Nothing is said of benevolent gifts in the agreement, but the agencies of both denominations would presumptively have equal opportunity to present their requirements. Each group would normally wish to contribute only to the wider work of its own denomination. Funds, undesignated, would have to be pooled, and divided in aliquot parts, since there would be no practicable way to distinguish them.

This federation is, therefore, notwithstanding its name, temporary, and for convenience only. We have no reports to indicate its success, but it seems evident that denominational loyalty would be at low ebb, and the church could hardly be expected to take any large part in general work. For like reasons earnest efforts on the part of either unit to enlarge and expand itself by new additions would be difficult, and to that extent the principal function of the church, *i.e.*, the conversion of the world, could not proceed on any large scale.

Tested by experience.

This Sub-Committee sent out inquiries to seventy-two churches reported to us as being federated or community churches, having Presbyterian ties, and having pastors to whom we could apply for information. We received categorical replies from forty-three. Twenty-nine did not answer. We assume that there are many others reporting to or listed with other denominations. Among the fifteen questions asked are the following, which we regarded as calling for information most needed to help us judge for ourselves as to the effectiveness of federation:

"12. Please give a summary of the experience of your church as to growth in numbers, interest and benevolences since your union; also a comparison of this with the development of the several church units before the union.

13. Do you regard it as desirable for such a church as yours to be directly related to an ecclesiastical body?

14. Are you satisfied with its present operation; and does it flourish under your present system?"

Of the eleven federated churches answering, two give figures in answering these questions. The others are generally explicit only in stating the minister's opinion. We quote from a number of these replies:

"My personal opinion is that a federated church must lose a great deal of denominational consciousness. Of course that affects the benevolence budget."

"The greatest difficulty is that one is unable to put on any program of education, and people do need special objects for their giving. The only outreach we now have is through denominations."

"I would very much prefer that we could transfer to one denomination."

"I consider it desirable that such a church be directly related to an ecclesiastical body."

"This federation business has been so unsatisfactory that I do not feel that I care to serve such a union. . . . The people are far from being in harmony with each other. I have noticed in (my state) two or three churches where a federation was an absolute failure."

"Even in the case of a union church it should belong to some ecclesiastical body."

In two instances, both in a large city, where the population is rapidly growing, the reports are highly favorable; but in respect to one of these (comprising a Presbyterian and a Congregational church), it is reported from the office of a city missionary society that it has substantially ceased to function as a Presbyterian body, and has become essentially Congregational.

Since the power of a church outside its local work is chiefly through its benevolences, it is significant that two administrative heads of general Presbyterian agencies, whose opinion was asked, answered as follows:

One said, "Our experience with community churches, so far as contributions are concerned, is most disheartening."

The other said, "We have learned to expect but little aid from such churches compared with their ability."

Out of twenty-three churches listed (and designated by themselves) as "Community" or "Union" churches, but definitely Presbyterian, though serving a constituency composed in most cases of many denominations, nearly all report a satisfactory work. These reports only indirectly affect the present question, but a few quotations will help to illuminate the question considered by this committee as to the best method of furnishing smaller communities with effective religious leadership. From these we extract the following:

"Frankly the opinion of the best church leaders of the state was that these churches all needed allegiance to some denomination, in order to serve, and live, and be fed."

"My experience leads me to think that a large amount of autonomy could be given the local church, with no interference from church authorities, and yet allegiance to one denomination still possible and mutually helpful."

A pastor of a Presbyterian church organized by the choice of three denominations, writes:

"The membership is composed of people who were formerly members of thirteen other denominations. Our experience as a church has been a very happy one. Before this organization was effected there were three weak, struggling churches, not one of them able to pay a living salary to their pastor or keep their work up as it ought to be."

Another pastor writes:

"The .... Church was organized as a Union Independent Evangelical Church. In 1900 (three years later), desiring to be united with some strong denomination, they decided, after twenty ballots, to seek admission to the Presbyterian body. The twentieth ballot was unanimous. . . . I have received about one hundred new members in the four years of my pastorate—Methodists, Baptists, Disciples, Presbyterian, Protestant Episcopal. I certainly think it desirable for such a church as ours to be directly related to an ecclesiastical body."

The foregoing are typical of a large group. Of course there are varying mental attitudes, but it is fair to say that all the opinions expressed by pastors of "federated" churches, favorable to their own particular work, relate to the importance of some form of union. In rare cases only do the reports support federation, as distinguished from other forms of united work.

The questions to be determined.

1. The Presbyterian agencies having to deal with this subject, chiefly the Board of National Missions, called upon to develop and extend the work of their own denomination, and to account for the expenditure of its money, must view the matter from a denominational standpoint. So considered it seems that "federated" churches, strictly so called, are not Presbyterian, at least in these respects:

a. Presbytery has no control, either in the selection or change of a pastor.

b. Members are admitted by other bodies than the eldership, and in many cases on their own averment that they do not wish to unite with any sect or denomination.

c. Neither a Session nor a Presbytery has any right of discipline, either of members or of the church as a whole.

d. The church property, as well as the church relations, may be diverted or changed at will.

e. In many cases the constituent bodies cannot be restored to their former condition by dissolving the federation, for the property is often held by a new corporation, and a large part of the membership had no original connection with either unit.

2. In nearly all such instances reported the pastors are Presbyterian, and some, frequently many, of their members. They have, for what they deemed the welfare of their communities, constituted machinery and in many cases membership tests, of their own, in the interest of the joint work. In many cases the organization, notwithstanding these conditions, is encouraged by the local Presbytery, evidently for like reasons. Many of the reports show that pastors and Presbyteries are conscious of the irregularities, but deem them justified by conditions.

3. This Department of Coöperation, not being an administrative body, and having on this point only the duty to examine and report, is in a position, without stressing strongly the denominational element, to recognize the needs of such localities, in many of which separate churches could not maintain themselves, and to devise means of preventing the unhappy bitterness which might arise between denominations. This, it is one of the functions of this department, so far as it may, to minimize or prevent.

Conclusion.

Recognizing, therefore, the need and the difficulties, it is our duty to consider how to provide properly for such a condition, and yet maintain the advantages of union with some sufficiently strong ecclesiastical body, and participate in its world-wide as well as its local work. We come then to the question of what form, if any, would best accomplish this. In this we could have nothing novel to suggest. We can only advise as to a choice of known alternatives. The prime necessities would seem to be these:

a. Some mode of lining up the Christians of such a community with the work of an equipped denomination, to the end that the work may not be wholly local or desultory, and so also as to encourage such a body to grow in numbers, and in interest and service.

b. Some mode for the reception of members into a specific denomination, so that they may be conscious of a common tie, and of being engaged in a common task, and of being committed to a general enterprise. Unless this is done the members of such an organization will come to constitute little more than a local club, with religious motive.

c. Benevolent enterprises (other than local) would have but little appeal if not conducted on a large scale, reaching out to the needy places of the whole world. A local church not tied to a denominational organization would, and we learn that it almost uniformly does, lose its interest in the wider work of the churches, and cannot be relied upon for substantial help. In such a case it would be difficult for the Christian graces to flourish.

d. The pastor of a church needs, for his own encouragement as well as for the good of his church, to be related to other ministers engaged in like work, and would find it difficult to render faithful and effective service if he felt that he was standing alone. It is important, therefore, that the minister should be related to one of the established denominations, and attend the sessions or conferences of its clergy. This and other elements are essential to the prosperity of any church, and a plan for organization must take them into account. How, then, can this be brought about?

Recommendation.

The foregoing considerations lead but to one result, *i.e.*,—In the organization of a church in a community where there is no adequate support for several denominations it is desirable to choose a church relation acceptable to the majority (as nearly as possible to all), and to hold to that denomination definitely and specifically,—minister and people. If this be done by *referendum* it will have no appearance of proselyting, and factional differences will be minimized.

There does not now exist, generally speaking, the heat and bitterness which formerly prevailed between denominations, and persons who might prefer a particular denomination, by reason of previous attachment or otherwise, could still, for the time being, and for the sake of the community, waive that choice, and unite with a church selected by referendum among its constituents. Members should be received, recorded, registered and reported in the usual manner prevailing in that body. Presbyterians, although preferring a church of their own denomination, could cheerfully, if in the minority, waive that choice for the good of the home community, and for the benefit of their children and the families of others.

There seems no possible way of obtaining the advantages, indeed, the essentials, of a useful and growing church in any community without a connection with enterprises already established and equipped for world-wide religious work.

If there is any doubt of the right of a Presbyterian minister, retaining his connection with a Presbytery, to the advantages, as they are, or may come to be, of our system of pensions or relief, that doubt should be removed. But if, for the general good, or by his own choice, he should change his denominational connection, he ought to cast himself wholly, from that time at least, on similar provision made by the denomination he enters. In general we would suppose his work would be better and more effective if, in case his congregation should adhere to another denomination, to go with them; but this can be reasonably left to himself and the action of his local Presbytery.—1924, pp. 251–260.

4. Undenominational and interdenominational type of church.

The Department of Church Coöperation and Union, through a subcommittee, would report as follows:

1. That the undenominational and interdenominational type of church appears to be slowly but steadily increasing in numbers. It is found for the most part in small communities and is frequently organized as a protest against denominational rivalries in new communities. This type of church often is organized before any of our denominations have formed local units.

2. The undenominational and interdenominational type seems to be successful so far as the meeting of purely local religious needs is concerned. However, it is the almost unanimous opinion that neither the undenominational nor the interdenominational church meets its responsibilities in the wider range of obligation.

3. There does not seem to be anything that can be done wisely so far as modification of our fundamental law is concerned to adjust our Form of Government to this present day movement. It is clear that when a church is undenominational in character, it is impossible for us to have strictly official contacts with it. With reference to the interdenominational organizations, our Form of Government as recently amended would seem to give us all the latitude in this connection that is advisable.

As to local organizations which are known as community churches, but which are in reality Presbyterian churches duly organized by our Presbyteries and officered according to the requirements of our Form of Government, these, of course are as definitely related to us in theory, and in most cases in practice, as if they bore the name "Presbyterian." They carry the name "Presbyterian" in their charters, although the name may not be brought to the fore in the church's publicity.—1927, p. 163.

5. Request for denominational fellowship for community churches not granted.

Overture 39, from the Presbytery of Grand Rapids, on affiliated churches, requesting that an *Overture* amending the Form of Government, be sent down to the Presbyteries so as to "allow independent or community churches to enjoy denominational fellowship in service, and oversight in administration." It is recommended that inasmuch as this matter might involve complications and implications as to the status of both the churches and ministers within the same Presbytery, causing misunderstandings and possible confusion, such action is inexpedient.—1927, p. 195.

XIII. RELATIONS TO NON-ECCLESIASTICAL BODIES.

1. The Assembly will not petition partisan conventions.

A request from the Presbytery of Wooster, asking the Assembly to petition the various party conventions, to place in their platform a full, clear recognition of the two great truths, viz., that our Lord Jesus Christ is the Sovereign Ruler of our nation, and that his moral law is the rule of our conduct in all civil and political affairs, and to declare for— 1. The American Sabbath; 2. A Uniform Christian Marriage Law; 3. The Right of the Bible in the Public Schools; and, 4. Against the American Saloon.

The Committee recommend the answer, that while the Assembly believes that all its officers and members are in the fullest sympathy with these ends, it does not see its way clear to be a petitioner to partisan conventions.—1891, p. 135.

2. The Assembly receives and appoints delegates only in case of ecclesiastical bodies.

a. Certain Papers purporting to be the credentials of friendly visitors from the Woman's National Christian Temperance Union were presented to the Assembly by the Stated Clerk, and the following resolution in reference to them was adopted:

Resolved, That it is the judgment of this Assembly that friendly delegates or visitors should be received only from corresponding ecclesiastical bodies: but that the Assembly nevertheless expresses its deep sympathy with the work in which the Woman's National Christian Temperance Union is engaged.—1880, pp. 42, 43.

b. *Overture.*—A Paper referred to this Committee by the Assembly. It is a printed document, not addressed specially to the Assembly, but to all associations of ministers and churches, all General Assemblies and Synods, all General and Annual Conferences, all Woman's National and State Unions, Grand Divisions of the Sons of Temperance, Grand Lodges of Good Templars, asking that delegates be appointed by these bodies to attend a National Temperance Convention, to be held at Saratoga Springs, June 21, 1881.

We recommend the following answer:

Whilst this General Assembly feels a deep interest in the subject of temperance, it is not our custom to appoint delegates except to ecclesiastical bodies.—1881, p. 551.

c. An invitation from the National Temperance Society and Publication House, inviting the Assembly to send delegates to the National Temperance Convention, to be held at Saratoga Springs, N. Y., July 15, 1891.

To this invitation we recommend the reply that while in full sympathy with every movement for the promotion of temperance, it is not the habit of the Assembly to send delegates to any but ecclesiastical bodies.—1891, p. 135; 1893, p. 86.

3. Appointment of members on non-ecclesiastical bodies.

Overture 3, from the Presbytery of Binghamton, concerning the appointment of members on non-ecclesiastical bodies by our judicatories: The Committee on Polity recommends that the action of the General Assembly of 1924 (see *Minutes,* p. 128) should not be taken as a precedent.—1927, p. 193.

[NOTE.—The reference is to the authorization by the Assembly of the election annually by the Board of Christian Education of five persons "to represent it on the Board of Managers of the Lord's Day Alliance of the United States."]

4. Electing minister or elder not under jurisdiction of electing body in a representative capacity not advisable.

Overture No. 8 is from the Presbytery of Crawfordsville, Indiana, asking if it is proper and permissible according to our Form of Government, for a Presbytery or Synod to elect as its representative on the board of trustees of an institution a minister not a member of that Presbytery or Synod, or a layman not a member of a church within the bounds of either Presbytery or Synod. Our answer is that this matter is not covered by any organic law of the Church, nor prejudiced by any previous action of the General Assembly. We know no legal barrier to such action unless such prohibition inheres in the charter of the institution or in a common agreement. It is, however, our belief that there is inherent in the Constitution of our Church a principle that would render such action inadvisable.—1926, p. 95.

5. Presbyterial Committees to be appointed in the interest of the American Bible Society.

Resolved, That the Assembly reaffirms its conviction, expressed last year, of the importance of the work of the American Bible Society to the mission work of the Church, and it recommends, in order that there may be more efficient coöperation with the Society, that each Presbytery appoint a Standing Committee on the work of the American Bible Society. —1900, p. 34.

6. Presbyterial Committees to be appointed in the interest of the American Tract Society.

The Assembly hereby commends the Society to the confidence and support of our churches, and recommends that each Presbytery appoint a Standing Committee on the work of the American Tract Society.—1901, p. 131.

7. Deliverances on peace and arbitration.

a. Your Committee have carefully considered the Memorial of the World's Arbitration League, organized about two years ago, with headquarters at Washington, D. C., its object being to call the attention of the different nations of the earth to the propriety and practicability of forming a compact by which all international disputes can be settled without resort to arms. Since the object of this organization is in accordance with the teachings of the great Head of the Church, your Committee would recommend hearty concurrence with this laudable and humane enterprise.—1884, p. 15, C. P.

b. *Paper No. 209*, being a communication from the American Peace Society with reference to peace and arbitration. It is recommended that the following deliverance be adopted:

The General Assembly, in session at Kansas City, Missouri, and in harmony with previous deliverances, again puts itself on Record as being heartily in favor of international arbitration where difficulties arise between nations.

Further, we cordially commend President Roosevelt for calling the second Hague Conference, and for sending to that distinguished body men so eminently fitted to represent this great nation in the consideration of the important questions which came before the Conference. Although there was no direct result of the efforts made to reduce standing armies or to cease the increase of navies, yet the discussion of these questions has given food for thought to the people of the civilized nations, who more and more are making their influence felt for the maintenance of peace and the cause of international arbitration. It is a matter of congratulation that much was accomplished tending to the peaceful settlement of difficulties between nations, and particularly that a permanent tribunal for hearing and settling international disputes and quarrels has been established. We further rejoice that the United States Government is negotiating treaties with friendly nations, some of which have been confirmed, whereby questions and disputes between them and us may be referred to arbitration for settlement.—1908, p. 220.

c. The General Assembly of the Presbyterian Church in the United States of America, in session at Denver, Colorado, May, 1909, makes the following declarations and recommendations:

1. It declares its conviction that war is evil, and that Christian nations should determine by obligatory arbitration the international differences which cannot be settled by diplomacy. For Christian States in the twentieth century to refuse to arbitrate and to insist on war will be to bring reproach on the Christian name.

2. It favors the creation of the International Court of Arbitral Justice proposed by the second Hague Conference, and hopes that the Government of the United States will promote its establishment, and that at the earliest possible day.

3. It is opposed to increase of armaments, and deplores the failure of the Hague Conferences to come to an agreement upon this all-important subject.

4. It has learned with much satisfaction that the Government of the United States has recently entered into treaties of arbitration with some of the nations, and it trusts that without unnecessary delay other treaties of arbitration may be made with other States. It regrets that it seemed to the contracting powers to be desirable to limit the existence of these treaties to five years, and to restrict the subjects to be arbitrated to the somewhat narrow limits which the treaties define.

5. It recommends that the first Sunday before Christmas, in each year, be observed throughout our churches as Peace Sunday.—1909, p. 205.

d. This Assembly, having listened with profound interest to Mr. J. A. MacDonald's presentation of the theme, "The Church and International Peace," expresses its sympathy with the views he presents, reaffirms the deliverances of previous Assemblies on this vital subject, places on Record its adherence to the principle of arbitration as the only just method of settling international difficulties, and prays fervently for the coming of the day when war shall be no more.—1913, p. 271.

8. Conference on limitation of armaments, and Permanent Court of International Justice.

That the Assembly record its hearty recognition of the wise and Christian act of President Harding in calling the Conference on Limitation of Armaments at Washington, November 11, 1921, and of the able and statesman-like way in which the Honorable Charles E. Hughes, Secretary of State, and his associates represented the best Christian opinion of the American churches and people in the notable proposals which they made. The Assembly believes that great as were the specific results of the Conference in the treaties that were agreed upon, and that have since been ratified by the Senate of the United States, the psychological effect upon the world's thought has been ever greater. Humanity, still worn, distracted and suffering by the Great War, now faces the future with new hope. The Assembly makes record not only of its grateful recognition of the leadership of the President and Secretary of State, but of its gratitude to Almighty God for the effort to give practical application in international affairs to the teachings of the Prince of Peace: and the Assembly exhorts all its ministers and churches to do everything in their power to aid in strengthening a Christian public sentiment which shall support our Government in taking those further steps which are necessary to the development of Christian international relations to the end, that nations as well as individuals shall recognize their obligation to observe the law of God and that our beloved country may speedily associate itself with other countries in the more effective promotion of international justice and goodwill.

4. That the Assembly record its gratification at the establishment at The Hague of the long desired Permanent Court of International Justice, so long advocated by the American people and other friends of the effort to settle international disputes by peaceful methods; that among the members of the International Committee which framed the plan was an eminent American citizen, the Hon. Elihu Root, and that among the eleven judges chosen to constitute the Court is another eminent American citizen, the Hon. John Bassett Moore; that already forty-five nations have become members and supporters of the Court, eighteen of them having declared their acceptance of the jurisdiction of the Court as "Obligatory in any or all of the four legal categories enumerated"; that the Assembly express the earnest hope that the American nation, whose citizens have been so prominent and influential in securing the creation of the Court, may speedily become a member of it; and that the Moderator and Stated Clerk be hereby authorized and instructed to express this hope to the President and Secretary of State.—1922, p. 75.

9. Recommending entrance upon the World Court.

The following resolution submitted by the Rev. Murray S. Howland, D.D., of the Presbytery of Buffalo, was adopted:

That this Assembly records its sympathy with the recommendation of the President of the United States that we enter the World Court, and regards such entrance as a most important step toward world peace. And further, that the General Assembly earnestly hopes for the entry of our nation into closer relation with the other nations, realizing that only so may we bear our part as a Christian nation in bringing and maintaining world peace.—1923, p. 237.

10. Advocating the outlawing of war.

In reply to *Overtures Nos. 8, 30, 45, 53, 67, 68, 71, 72, 77, 78, 85*, and *Memorial 1*, the following resolution was adopted:

The Presbyterian Church in the U. S. A. pledges all its energies to the outlawing of war and to the hastening of the day when nations shall learn war no more. We refuse to believe that the wholesale slaughter of human beings upon the battlefield is morally necessary any more to man's highest development than is killing by individuals. We see in war's cruelties, made more terrible by modern invention, not only a menace to civilization but also a definite challenge to the followers of the Prince of Peace.

We invite the coöperation of all Christendom in a determined effort to devise such complete machinery for peace as shall insure the settlement of all international controversies by reason instead of force.

To this end we favor participation by our nation with other nations in the Permanent Court of International Justice and the submission for judicial settlement, or the arbitration of disputes, and the investigation, before a resort to arms, of all differences which cannot be adjudicated or arbitrated, reserving the right to control our own destiny and to determine whether or not and when we shall declare war.

The moral influence of our nation, and the confidence of other nations in our disinterestedness, compel us to assume leadership and take a definite part in the movement for world peace. We should endeavor to secure a joint agreement for international disarmament and also for a referendum on war except in case of threatened invasion. We claim that those who are asked to fight and bear the burdens imposed by war should be consulted when possible before this sacrifice is required of them.

We solemnly assert that the teachings of Christ furnish the only basis and hope of permanent peace, and earnestly appeal to all branches of the Christian Church to unite in bringing mankind to an acceptance of Him in order to establish a universal brotherhood founded on righteousness, justice and peace. We enjoin upon the Boards and Agencies of our Church, particularly the Board of Christian Education, together with our ministers and members, to do all in their power to accomplish this purpose which we believe to be in accord with the will of God and in harmony with the teachings of our Lord and Master.—1924, p. 112.

11. Opposed to compulsory military drill in educational institutions.

The following resolution was adopted by the Assembly:

Peace is one of the leading words in our heart's vocabulary today. Its message for the whole world lies at the center of our salvation and must find expression in our speech and conduct and influence. As Presbyterians we have inherited a sturdy record and a sense of obedience to duty wheresoever it may lead us. We pledge ourselves not to injure that inheritance, and in loyalty to it, we renew our pledge of allegiance to our nation and to every phase of its welfare.

We also put ourselves on record as opposed to all militarism in spirit and in propaganda. We favor such voluntary drill and training as may seem wise to students and their parents for purposes of precision, obedience and team-work, but we are opposed to forcing students in high schools, colleges, universities and other educational institutions to any form of military organization or exercise. Rather we favor the cultivation of sentiments of peace and of eagerness to find ways of coöperation that shall reach all men everywhere. This expression is intended to set forth our devotion to the Prince of Peace and to His Message for all men, to the end that our testimony in pulpit and class shall be in full harmony with our system of training and education.—1926, p. 253.

12. Paper on Peace.

The Committee on Bills and Overtures presented its concluding report, which was adopted as follows:

In reply to the Paper on Peace, submitted to your Committee for its consideration, the following is recommended:

Resolved, That this Assembly take note of the fact that the chief denial of our Christian faith lies in the hostile attitudes of nations and races and in their preparedness and continued preparation for war. We recognize that the same Christian principles of love, service and mutual trust that we profess and seek to practice in individual relationships, are equally applicable to the relationships of nations and peoples.

Resolved, That this Assembly call upon our ministers to give diligent study to the application of the Gospel of Christ to the problem of war, and commend the government of the United States for its efforts toward the limitation of armaments, and the peaceful settlement of all international disputes.

The Committee, convinced that the deepest interest of the Church to-day is in an awakened spiritual vision of our Lord, and the promotion of evangelism throughout the world, requests the Moderator at some time before the dissolution of the Assembly, to set before the Assembly the spiritual objectives for the year ahead, preparing our hearts and minds for the task to which we are soon to be summoned in an official letter from the Moderator.—1927, p. 246.

13. Peace Pact outlawing war.

That the General Assembly join with the whole of Christendom in grateful recognition of the progress of negotiations between the leading world powers looking to the organization of a multilateral peace pact outlawing war as a method for the settlement of international questions. We note with gratitude the advanced position of our own government as represented in the Kellogg correspondence and rejoice in the favorable attitude of other nations toward the proposals. We urge upon our pastors and teachers the duty further to strengthen the sentiment of international goodwill by public addresses on the subject of Peace and by persistent instruction of the youth in the Christian principles of world brotherhood and racial oneness. The General Assembly specifically instructs the Board of Christian Education to continue its effort in the preparation of an adequate educational program for the church in the interests of world peace, designed to reach all age groups. It should be the purpose of this program to stimulate the study of the real causes of war, to interpret patriotism in terms consistent with devotion to the Kingdom of God, to increase intelligent sympathy with, and participation in all reasonable movements toward peace, and above all to cultivate the will for peace and a belief in its possibility through the substitution of reason for force and of creative trust for destructive hate.—1928, p. 56.

14. Paris Peace Pact.

That the General Assembly record its deep gratification in the formulation of the Paris Peace Pact and the contribution to the cause of world peace made therein by the distinguished citizen of St. Paul, Minn., the Honorable Frank B. Kellogg, and consecrate itself to the task of so moulding the hearts and consciences of men that they may give loyal support as good citizens and as followers of the Prince of Peace to the ideals therein expressed.

That as a Christian Church, we, too, "renounce war as an instrument of national policy" and set ourselves to create the will to peace.

That the Church continue to preach without ceasing the Gospel as taught by Jesus Christ, of the Fatherhood of God; the Brotherhood of all men everywhere; the sacredness before God of the individual human life; as the greatest preventive of war.

That the Church adopt the words of the Apostle as the expression of its faith, hope and exhortation: "Nevertheless we, according to His promise, look for a new heaven and a new earth wherein dwelleth righteousness. Wherefore, Beloved, seeing that ye look for such things, be diligent that ye may be found of him in peace without spot and blemish."—1929, p. 73. Reaffirmed, 1930, p. 134.

15. London Naval Pact.

15. That the General Assembly reviews with satisfaction and commendation the present program on education for Peace, developed and promoted by the Board of Christian Education, and urges the hearty support of the Church in the use of this program, and, that the General Assembly recommends the encouragement of all agencies and movements that work for international coöperation and the settlement of international difficulties by judicial processes; that the General Assembly especially commends and supports President Hoover in his efforts to bring about reduction of armaments, to establish closer relations and understanding between nations, to remove the causes of war, and his clear and persistent presentation of those principles which make Peace possible and practical; that it pledges its undivided support to the President of the United States in his determined efforts to secure the ratification of the London Naval Pact.—1930, p. 67.

16. Conscience and bearing arms.

That the General Assembly reply to the Overture of the Presbytery of Los Angeles:

Whereas the General Assembly has repeatedly declared the aversion of the Church to the settlement of international differences by war, or by the appeal to arms, and its belief in the substitution therefor of peaceful processes of conference and adjudication, and

Whereas the Standards of the Church declare "that God alone is Lord of the conscience," and

Whereas the Church has always taught that it is the duty of men to obey their conscience in the fear of God and in fidelity to His Word, and

Whereas all should stand on the same basis of principle, enjoying equal rights and having equal duties in the Church and in the State, *Therefore*, Resolved that the Assembly declares its belief that the right and duty of citizenship should not be conditioned upon the test of ability or willingness, contrary to conscience, to bear arms or to take part as a combatant of war.—1930, p. 72.

XIV. POWERS IN DEFINING AND DETERMINING WHICH ARE TRUE AND LAWFUL JUDICATORIES.

1. Synods and Presbyteries in Kentucky and Missouri.

The Committee to whom were referred sundry Papers relating to the divisions of the Synods of Kentucky and Missouri, and of the Presbyteries under their care, which has resulted in two sets of commissioners claiming seats in this General Assembly from several of these Presbyteries, and also sundry Papers concerning the signers of a Paper entitled a "Declaration and Testimony," etc., together with the citation of the said signers, who were summoned by the last General Assembly to appear before this present Assembly, beg leave to report:

That they have had the matters committed to them under consideration, and have had full personal conference with the several claimants for seats, and recommend to the General Assembly for adoption the following propositions:

I. The ecclesiastical judicatories hereinafter named are the true and lawful judicatories in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America, namely:

The Synod of Kentucky which met at Henderson, Ky., in October, 1866, and adjourned to meet, and did meet, in Lexington, Ky., in November, 1866, of which Synod the Rev. J. T. Lapsley is now the moderator and the Rev. S. S. McRoberts is the Stated Clerk, this Synod having under its care and authority, and within its ecclesiastical boundaries, the following Presbyteries, viz., the Presbytery of Louisville, of which the Rev. J. P. McMillan is now the moderator and the Rev. R. Valentine is the Stated Clerk; the Presbytery of Ebenezer, of which the Rev. J. F. Hendy is now the moderator and the Rev. R. F. Caldwell is the Stated Clerk; the Presbytery of West Lexington, of which the Rev. Stephen Yerkes, D.D., is now the moderator and the Rev. J. K. Lyle is the Stated Clerk; the Presbytery of Transylvania, of which the Rev. G. J. Read is now the moderator and the Rev. S. S. McRoberts is the Stated Clerk; the Presbytery of Muhlenburg, of which the Rev. A. D. Metcalf is now the moderator and the Rev. S. Y. Garrison is the Stated Clerk; and the Presbytery of Paducah, of which the Rev. J. P. Riddle is now the moderator and the Rev. James Hawthorn is the Stated Clerk; and these several Presbyteries having in their connection and under their care and authority and within their ecclesiastical boundaries respectively the ministers, churches, licentiates and candidates belonging to, and claiming to belong to, the Presbyterian Church in the United States of America. The foregoing described judicatories, namely, the Synod, Presbyteries and church Sessions within their respective jurisdictions, are to be respected and obeyed as the true and only lawful judicatories possessing the names above recited within the State of Kentucky, which are in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America; and the commissioners sent to and enrolled in this General Assembly from the above described Presbyteries are true and lawful commissioners.

The Synod of Missouri, which met at Boonville, Mo., October 10, 1866, of which Synod the Rev. J. P. Finley was elected moderator and the Rev. J. A. Paige was elected the Stated Clerk, and which adjourned to meet in Kansas City on the second Wednesday in October, 1867, this Synod having under its care and authority, and within its ecclesiastical boundaries, the following Presbyteries, viz., the Presbytery of St. Louis, of which the Rev. J. F. Fenton is now the moderator and the Rev. H. C. McCook is the Stated Clerk; the Presbytery of Palmyra, of which the Rev. A. Steed is now the moderator and the Rev. J. P. Finley is the Stated Clerk; the Presbytery of Potosi, of which the Rev. G. W. Harland is now the moderator and the Rev. A. Munsen is the Stated Clerk; the Presbytery of Lafayette, of which the Rev. Charles Sturdevant is now the moderator and the Rev. George Fraser is the Stated Clerk; the Presbytery of Southwest Missouri, of which the Rev. William R. Fulton is now the moderator and the Rev. James A. Paige is the Stated Clerk; and the Presbytery of Upper Missouri, of which the Rev. Mr. Pinkerton is now the moderator and the Rev. W. C. McPheeters is the Stated Clerk; and these several Presbyteries having in their connection and under their care and authority and within their ecclesiastical boundaries respectively the ministers, churches, licentiates and candidates belonging to, and claiming to belong to, the Presbyterian Church in the United States of America. The above-described judicatories, namely, the Synod, Presbyteries and church Sessions within their respective jurisdictions, are to be respected and obeyed as the true and only lawful judicatories possessing the names above recited within the State of Missouri, which are in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America; and the commissioners sent to and enrolled in this General Assembly from the above described Presbyteries are true and lawful commissioners.—1867, p. 335, O. S. The remainder of the deliverance is omitted, in conformity with the action of the Assembly of 1873.

2. Case of the Walnut Street Church, Louisville, Ky. The Assembly passes upon the validity of the election of ruling elders.

a. The Committee on Bills and Overtures, to whom were referred the Petition and Memorial of Benjamin F. Avery, D. McNaughton, James A. Leech and Thomas J. Hackney, ruling elders in the Walnut Street Church in Louisville, praying for such redress as in the wisdom of the General Assembly may seem just and necessary to redress the grievances of said church, as set forth in said Memorial and Petition, report that they have considered the matter referred, and recommend the adoption of the following:

Whereas, On the second day of January last, D. McNaughton, Benjamin F. Avery and James A. Leech were elected ruling elders by the congregation of said church, and on the ninth day of January the said D. McNaughton was installed and Benjamin F. Avery and James A. Leech were duly ordained and installed ruling elders in said church; and

Whereas, The Presbytery of Louisville, after the election of said ruling elders, with the apparent design of discrediting said election, denied to one of their number a seat in said Presbytery, notwithstanding he had been duly elected to represent said church at a meeting of said Presbytery; and

Whereas, It is evident that the peace of said church and their congregational rights are in great danger unless this Assembly shall interpose its authority;

Therefore, this General Assembly, by virtue of its authority and obligation to give advice and instruction in all cases submitted to them, does truly declare that the said D. McNaughton, Benjamin F. Avery and James A. Leech are to be recognized and acknowledged as ruling elders in the said church, and all church courts and Sessions, subject to or under the care of this Assembly, are solemnly enjoined to respect and sustain their authority as such.—1866, p. 54, O. S.

[NOTE.—For the full and final action, see *Digest*, 1886, pp. 247, 248, and *Minutes*, 1866, pp. 54, 68; 1868, p. 652; 1869, p. 942, O. S.; 1870, p. 127; 1872, p. 52. For full decision in Walnut Street Church case, see *Digest*, 1930, Vol. II, p. 359–376.]

b. This Assembly expresses its sympathy with the churches in the Synod of Kentucky in the difficulties and trials into which they have been brought by their adherence to the Presbyterian Church. We will aid them to the full extent of our ability in defending and protecting their church property. And we will encourage the people of God everywhere under our charge, to contribute liberally to repair the pecuniary losses which may be sustained by their churches and schools of learning.

We counsel these brethren also, on the one hand, to yield a cheerful obedience to the laws of the land, even to the extent of taking "joyfully the spoiling of their goods." But, on the other hand, we counsel the courts of the Church to continue to administer the spiritual government of Christ's house which is in their hands, always disregarding the judgments of the secular tribunals on questions which belong to the spiritual jurisdiction alone. It is the constant faith of this Church that "civil magistrates may not assume to themselves . . . the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. . . . And, as Jesus Christ hath appointed a regular government and discipline in his Church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of *any* denomination of Christians, according to their own profession and belief" (Confession of Faith, Chap. xxiii, Sec. iii).—1868, p. 652, O. S.

c. The Report of the Committee on Bills and Overtures was amended and adopted, and is as follows:

The various Presbyteries of the Synod of Kentucky respectfully call the attention of the General Assembly to the judicial decisions accompanying this Memorial, as follows:

The first is a decision of the Court of Appeals in the State of Kentucky, in which the right of the civil courts to review and reverse the proceedings and decisions of ecclesiastical courts on purely ecclesiastical matters is directly maintained, and in pursuance of which it is adjudged that three ruling elders, whose election and ordination was ordered by the Synod of Kentucky and confirmed by the General Assembly, were not ruling elders in the Presbyterian Church.

The second is a decision of the same court, in which the same superiority of the civil tribunals over the ecclesiastical is maintained, and in pursuance of which the deliverances of the General Assembly during the late war on loyalty, freedom, etc., are adjudged to be unconstitutional, in which its condemnation of the declaration and testimony is adjudged to be erroneous, and its dealings with the signers of that Paper to be null and void.

The third is a decision of the Circuit Court of the United States, in which, in opposition to the decisions mentioned, it is decided that the civil courts are bound to respect and enforce the decisions of all ecclesiastical courts, particularly the General Assembly, on all purely ecclesiastical matters whatsoever.

From this last decision an Appeal has been taken to the Supreme Court of the United States, and thus the rights and prerogatives of the General Assembly are placed in a posture where they must be determined by that court of last resort.

A case so directly involving the rights of the General Assembly, and so essentially determining the extent to which we shall be permitted to enjoy our religious liberties, ought not, in our judgment, to be left to the management of, nor should the expense fall solely upon, a single church.

We, therefore, respectfully request the General Assembly to take such action and to make such provision as will be necessary in order to a thorough vindication of its rights and prerogatives before that tribunal.

As an answer to this Memorial, the Committee on Bills and Overtures recommends the adoption of the following resolutions:

Resolved, 1. This General Assembly expresses its deepest sympathy for those churches in the bounds of the Synod of Kentucky which have become involved in expensive and harassing litigation while faithfully complying with the orders of the superior judicatories of the Church, and directs the Board of Domestic Missions and the Board of Church Extension to afford them all such assistance as it may be in their power to give.

Resolved, 2. While the General Assembly fully recognizes its obligation to be in subjection to the powers that be, yet, so long as anything can legally be done, it must not and will not remain silent and inactive when its own rights and liberties and the rights and liberties of the whole Church are put in peril by injurious decisions in the civil courts; it expresses gratification at the decision that has been rendered by the Circuit Court of the United States in the case referred to in the Memorial and it hereby appoints E. P. Humphrey, D.D., Edgar Needham, and Gen. John M. Harlan, of Louisville, Ky., a Committee to counsel and coöperate with the proper parties in the Appeal which has been taken in this case to the Supreme Court of the United States, and for the necessary expenses of said case in the court from which and in the court to which it has been appealed, said Committee is authorized to draw on the Board of Publication for a sum not exceeding five thousand dollars.—1869, p. 942, O. S.

d. The Report of the Committee was adopted, viz.:

Your Committee, therefore, ask the General Assembly to allow us to use the unexpended balance of the $5000 appropriation, that balance being $3000, for the purpose of amicably adjusting the Walnut Street case;

Provided, 1. That the sum of $2000 shall be contributed by our brethren for this purpose; and

2. That all the cases pending in any of the courts, involving the title to houses of worship or parsonages in Kentucky, shall be also amicably adjusted and settled. Such an adjustment would, we trust, exert a most salutary influence upon the cause of Christ and the welfare of the Presbyterian Church.—1870, p. 127.

e. The Supreme Court at Washington has, in a judgment lately rendered, upheld all the rights of property asserted by the Walnut Street Church; and, what is of far more importance, that high court has fully sustained the doctrine for which the General Assembly has contended. In an elaborate written opinion the judges have held, for substance, that the courts of law must accept as final and conclusive the decisions of the General Assembly on questions purely ecclesiastical, and must give full effect to these decisions in settling the property rights of parties litigant.

The General Assembly will not be slow to appreciate the value of this opinion, in the protection which it affords to the liberties of a free Church, and to the funds which may be entrusted to the Assembly and to its congregations for pious uses.

For this reason the Assembly is respectfully overtured to publish the opinion of the court at length, in the Appendix to its *Minutes*, and to order a faithful abstract thereof to be prepared and inserted in the forthcoming *Digest*.

The Board of Publication have promptly honored the drafts of the Committee to the full amount appropriated by the Assembly of 1869. A large part of this money has been expended in the payment of expenses incident to the litigation, leaving a moderate compensation for the labors of our legal counsel.

The Assembly are respectfully asked to accept this as our final Report and to discharge the Committee.—1872, p. 52.

XV. THE ASSEMBLY MAY PROPOSE RULES REGULATIVE OF THE CONSTITUTIONAL POWERS OF PRESBYTERIES AND SYNODS.

VI. Before any overtures or enactments proposed by the Assembly to be established as rules regulative of the constitutional powers of presbyteries and synods shall be obligatory upon the Church, it shall be necessary to transmit them to all the presbyteries, and to receive the returns of at least a majority of them, in writing, approving thereof, and such rules, when approved, shall be appended to the Constitution of the Church.—1892, p. 172.

[Note.—Prior to 1892, Sec. vi. read as follows:

VI. Before any Overtures or regulations proposed by the Assembly to be established as Constitutional Rules shall be obligatory on the churches, it shall be necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of them, in writing, approving thereof.

For decisions and deliverances under this section now stricken out, see *Digest*, 1886, pp. 325–329, 542, 543.

See this *Digest*, Vol. I, Form of Government, Chap. xxiv. Of Amendments.]

I. LOCAL EVANGELISTS.

Constitutional Rule No. 1.—It shall be lawful for Presbytery, after proper examination as to his piety, knowledge of the Scriptures and ability to teach, to license as a local evangelist any male member of the

Church, who, in the judgment of Presbytery, is qualified to teach the Gospel publicly, and who is willing to engage in such service under the direction of Presbytery. Such license shall be valid for one year unless renewed, and such licensed local evangelist shall report to the Presbytery at least once each year, and his license may be withdrawn at any time at the pleasure of Presbytery. The person securing such license shall not be ordained to the Gospel ministry, should he desire to enter it, until he shall have served at least four years as a local evangelist, and shall have pursued and been examined upon what would be equivalent to a three years' course of study in Theology, Homiletics, Church History, Church Polity and the English Bible, under the direction of Presbytery.

The Assembly also directs that the said Constitutional rule be appended to the Constitution of the Church, and instructs the Stated Clerk of the General Assembly to carry this direction into effect.—1893, p. 200.

1. Form for licensing local evangelists.

[Note.—See below, Form of Government, Chap. xiv, Sec. vii, p. 421.]

II. EXAMINATION FOR LICENSURE.

Constitutional Rule No. 2.—Candidates for licensure, in addition to the examination required by Chap. xiv, Sec. iv, of the Form of Government, shall be diligently examined in the English Bible, and shall be required to exhibit a good knowledge of its contents and of the relation of its separate parts and portions to each other.—1897, p. 119.

[Note.—See below, p. 418.]

VII. The General Assembly shall meet at least once in every year. On the day appointed for that purpose the Moderator of the last Assembly, if present, shall open the meeting with a sermon, or if the Moderator be a ruling elder, with an appropriate address, and he shall preside until a new Moderator be chosen. In the absence of the Moderator, some other minister or ruling elder shall be chosen to perform the duties above specified. No Commissioner shall have a right to deliberate or vote in the Assembly until his name shall have been enrolled by the Clerk, and his commission examined and filed among the papers of the Assembly.

1. Nomination and election of the Moderator.

Minutes of the General Assembly, 1925, Part I, p. 56, reads as follows: "That the General Council be instructed to take under consideration the method of electing the Moderator of the General Assembly, now operative under the Constitution and custom of our Church; to carefully study the methods obtaining in other Presbyterian communions, to the end that Presbyteries may have responsibility in the choice of the Moderator; and to report to the next General Assembly."

The Secretary of the General Council made a thorough investigation of and a detailed report to the General Council concerning the election of Moderators by the churches of our faith and order. On the basis of this report the following recommendations are herewith made by the General Council to the General Assembly:

"1. That methods used in other churches of our faith and order are all radically different from those to which we have long been accustomed; that the conditions under which they are operative are very different from those existing among us; and that there is decided dissatisfaction among those by whom they are used; and that, therefore, they do not seem to furnish any special guidance for us in any endeavor we may make to revise the laws or the customs now existing among us relating to the nomination and election of Moderator.

"2. The General Council recommends that no overtures be sent down to the Presbyteries involving changes in the sections of the Form of Government relating to the election of Moderator of the General Assembly."—1926, p. 107.

2. Adjourned meetings of the Assembly.

In 1846, the Assembly, N. S., then meeting triennially, was adjourned by the Moderator, in accordance with a previous vote, to meet in the city of Cincinnati, O., on the third Thursday of May, 1847. On the Constitutionality of such adjournment the opinion of Chancellor Kent, of New York, was sought, and given as follows:

The question, is, Had the General Assembly, under the Constitution of the Presbyterian Church, a lawful or rightful power to so adjourn?

Answer.—In my opinion, the power of adjournment rests in the sound discretion of the General Assembly. I consider the power to be necessarily incident to every deliberative assembly, unless specially prohibited by its charter or Constitution. It appertains, of course, to all legislative assemblies, and is occasionally exercised. This is the case with the English Parliament, and with the legislative assemblies in the United States.

The Constitution of the United States says that Congress shall assemble at least once in every year, and on the first Monday in December. The only inhibition in the Constitution is that neither House shall adjourn without the consent of the other for more than three days, nor to any other place. The Constitution is silent as to any other adjournment, and yet no question has ever been raised as to the power of Congress or both Houses concurrently to adjourn the session to a future time.

So in the Constitution of New York, the legislative term begins on the first of January, and the Legislature are to assemble every year on the first Monday in January, and neither House without the consent of the other can adjourn for more than two days. No doubt is raised as to the competency of the two Houses jointly to adjourn, in their discretion, to any future or distant day. And though the Legislature are to meet as prescribed, and are, as to the Assembly, elected annually, it is now in contemplation at the present session to adjourn over to the month of September.

The Constitution of the Presbyterian Church leaves silently the same power of adjournment, precisely on the same footing of discretion. Thus the General Assembly are to meet at least triennially or once in every third year. And the last Moderator, with the concurrence of the Stated and Permanent Clerks, may call a *pro re nata* meeting of the General Assembly, in case of any emergency, on four months' notice.* And the Assembly is to be considered as the same with the previous one.

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* It was so provided in the plan under which triennial Assemblies were held.—1839, p. 27, N. S.

The adjournment preserves the identity of the Assembly. I have no doubt that upon a sound construction of the Constitution the General Assembly has the same analogous power as all other political legislative bodies to which I have alluded. If any greater restriction had been intended, it would have been expressed. The language quoted implies as of course the power of adjournment. It is a wise and necessary power to guard against calamities, and overruling necessities, such as a desolating sickness, or conflagration, or insurrection, etc. It may be safely confided to such a representation, if anything may.

Even in ordinary civil corporations, where powers are granted very guardedly and construed strictly, it is adjudged that a corporation may transact any business at an adjourned meeting which they might have transacted at an original meeting (11 Vt. Reports, 385).

For these reasons briefly I conclude that the power of adjournment by the General Assembly the last year to Cincinnati was Constitutional.

James Kent.

New York, *April 19, 1847.* —1847, p. 147, N. S.

3. The adjourned meeting of 1869.

The two Assemblies of 1869, meeting in New York, mutually agreed:

a. That the said General Assemblies now sitting shall, after finishing their business, adjourn, to meet in the city of Pittsburgh, Pa., on the second Wednesday of November, 1869, at 11 o'clock A. M.—O. S., p. 915; N. S., p. 277.

b. It was ordered that when the Assembly adjourns this afternoon it be to meet in the First Church of Pittsburgh, on Wednesday, the 10th day of November next, at 11 o'clock A. M.—1869, p. 949, O. S.

In accordance with previous action, the Assembly, with prayer and the apostolic benediction by the Moderator, adjourned to meet at the Third Presbyterian Church, in the city of Pittsburgh, Pa., on the second Wednesday of November, A.D. 1869, at 11 o'clock A. M.—1869, p. 304, N. S.

4. Who may sit as commissioners in an adjourned Assembly.

a. The Committee (Hon. Daniel Haines and Hon. Joseph Allison, LL.D.) on instructing the Presbyteries concerning their representation at the adjourned meeting of this Assembly presented a Report, which was adopted, and is as follows:

Whereas, It has been questioned whether this Assembly at the proposed adjourned meeting in November next, at Pittsburgh, Pa., can be properly constituted of the principal or alternate commissioners not in attendance on the sessions of the body at this time; therefore,

Resolved, In the judgment of the Assembly those commissioners *only* who have presented their commissions, and whose names have been placed on the roll, will be entitled to participate in the meeting of the Assembly in November, except in case of a vacancy occasioned by death, resignation, refusal or inability of any such commissioner to attend, in which event it will be competent and proper for the Presbytery to supply the vacancy by a new election or appointment.—1869, p. 290, N. S.

b. W. E. Schenk, D.D., Permanent Clerk, from the Committee on Commissions, reported that several gentlemen were present with commissions as alternates, the principals being absent. On motion of G. W. Musgrave, D.D., it was

Resolved, That all alternates presenting regular commissions be enrolled, the principals being absent. Mr. Henry Day was requested to communicate this action to the Assembly of the other branch, now sitting in the Third Presbyterian Church in this city, which he did.

The alternates present were enrolled as follows: W. A. Scott, D.D., from the Presbytery of New York; Rev. Joseph A. Hanna, from the Presbytery of Oregon; Rev. A. B. Cross, from the Presbytery of Baltimore; Ruling Elder William Carpenter, from the Presbytery of Newton.—1869, p. 1143, O. S. (See p. 142, 2.)

5. Manual of the General Assembly.

Resolved, That the Stated Clerk is hereby empowered to prepare for the use of the General Assembly a Manual, containing the Rules for Judicatories, the Standing Orders and Rules, Directions to Committees, and such other items as may be of service to the Officers and Commissioners in connection with the business of the Assembly.—1893, p. 218.

[NOTE.—The preparation of this Manual has been ordered by each succeeding Assembly.]

VIII. Each session of the Assembly shall be opened and closed with prayer. And the whole business of the Assembly being finished, and the vote taken for dissolving the present Assembly, the moderator shall say from the chair,—"By virtue of the authority delegated to me by the "Church, let this General Assembly be dissolved, and I do hereby dissolve "it, and require another General Assembly, chosen in the same manner, "to meet at on the day of A.D. "—after which he shall pray and return thanks, and pronounce on those present the apostolic benediction.

1. The place of meeting determined by the vote of the Assembly.

The Committee on the *Minute* to be made concerning the place of meeting of this Assembly presented their Report, which was adopted, and is as follows:

The Committee having under consideration the *Minute* to be made concerning the place of meeting of the Assembly would report: The Assembly of 1879, on the 26th day of May, at Saratoga, appointed Madison, Wis., as the place of meeting for the present Assembly. No house or place of meeting in this city was named or designated (see *Minutes* of 1879, p. 619).

When the Moderator of the last Assembly declared that body dissolved, he did announce that the present Assembly would meet in the First Presbyterian Church of Madison, Wis. (*Minutes* of 1879, p. 634). The law of our Church requires the Moderator to dissolve the Assembly "and to require another . . . to meet at on the day of " (Form of Government, Chap. xii, Sec. viii).

The Assembly, and not the Moderator, has the right and the power of fixing the place of meeting. The Assembly fixed the city of Madison, and left the present Assembly to seek its own place or house in which to meet. This Assembly selected this hall, after it was so kindly and generously tendered by His Excellency the Governor of this State. There can be no question but that the meeting in this hall is regular, and in conformity with the order of the last Assembly, and of the law and Constitution of the Church.

Your Committee ask to be discharged from the further consideration of the matter committed to them.—1880, p. 81.

2. One Assembly cannot control another as to place of meeting.

The Committee also report upon the Overture referred to it by the Assembly, being an *Overture* from the Presbytery of Puget Sound, asking that steps be taken for a meeting of the Assembly in 1901 at San Francisco, Cal. It is not within the power of one General Assembly to control another in the matter of the appointment of the place of meeting. This appointment is entirely within the control of the sitting Assembly, and the Committee therefore recommends that the Overture be referred to the next General Assembly.—1899, p. 90.

3. Permanent Committee on the place of meeting of the next Assembly.

[Note.—See Standing Rules of the General Assembly, p. 363, R. 1.]

4. Deliverances as to biennial or triennial Assemblies.

[Note.—For same, see p. 1066, *Digest*, 1907.]

Supplemental.

1. Officers of the General Assembly.

I. THE MODERATOR.

[Note.—See this *Digest*, Vol. I Rules for Judicatories; also, Form of Government, Chap. xix. Of Moderators.]

II. THE VICE-MODERATOR.

[Note.—See this *Digest*, Vol. I, Rules for Judicatories, VII.]

III. THE STATED CLERK.

[Note.—See this *Digest*, Vol. I, Rules for Judicatories, X, *et seq.*; also Form of Government, Chap. xx.]

IV. THE TREASURER.

[Note.—The office of Treasurer of the General Assembly was discontinued in 1884 (see *Minutes*, 1884, p. 33), and the duties thereof were assigned to the Stated Clerk. This arrangement continued until 1912, when the Assembly reconstituted the office of Treasurer, and to act as such chose the Land Title and Trust Company of Philadelphia, Pa.—1912, p. 217.]

That the Real Estate-Land Title and Trust Company of Philadelphia be and hereby is recommended by the General Council of the General Assembly of the Presbyterian Church in the U. S. A. for election as Treasurer of the General Assembly.—1928, p. 102.

2. Clerks are Ministerial Officers.

a. Clerks are ministerial officers of the judicatory. In respect to their offices they are servants merely, and not members, of the body.

The Constitution knows nothing of the *temporary* Clerk as distinguished from the *Stated* Clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions, and discharge all other duties pertaining to a Clerk. For the part of those duties usually devolved upon a *temporary* Clerk, we believe it is no infrequent thing for a Presbytery to employ a licentiate or other person not a member of the body.—1861, p. 457, N. S.

3. Enactments with regard to Assembly Clerkships.

a. That the office of Permanent and Assistant Clerkships be abolished.

b. That the term of the Stated Clerk be fixed at five years, subject to reëlection at the pleasure of the Assembly.

c. That a Stated Clerk upon reaching the age of seventy, shall be retired on an emeritus salary by the Assembly next preceding such birthday anniversary, which Assembly shall fix his emeritus salary taking into consideration his length of service in this office; the same to take effect on his seventieth birthday.

d. That in the event of the office of Stated Clerk becoming vacant in the future through death, resignation, or disability, the Executive Commission* shall take charge of the office, pending action by the Assembly.

e. That the following mode of procedure in filling the existing vacancy in the office of Stated Clerk be adopted:

That a Committee to nominate a Stated Clerk be created by this Assembly, this Committee to be formed of one representative from each electing section, the same to be chosen by each section, an elder to be chosen from each even section, and a minister to be chosen from each odd section, and the chairman of the committee to be appointed by the Moderator; this Committee to report to the Assembly for action at this Assembly, looking forward to the election of a Stated Clerk at this Assembly, the one elected to take office at the beginning of the next Church year, April 1, 1922.

f. That the Stated Clerk shall be in charge of the "Office of the General Assembly" and shall discharge the duties assigned to him by the Constitution of the Church, or Assembly enactment.

That he shall have necessary assistants selected by him with the approval of the Executive Commission.*

That the Budget of said office shall be submitted annually for approval to the Executive Commission,* and be reported to the Assembly.

g. That for the meetings of the General Assembly the Stated Clerk shall nominate to the Assembly a sufficient number of competent clerks selected by him.—1921, p. 32.

4. Beginning of term of office of the Stated Clerk.

The request of the Stated Clerk that the official date of the beginning of his term of office be determined. The *Minutes* of the General Assembly of 1921 make no reference to said date.

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* Amended 1923 to read "General Council."

The General Assembly, having referred to the General Council the request of the Stated Clerk that the official date of the beginning of his term of office be determined, the following resolution was adopted:

The General Council recommend that the official date of the beginning of the term of office of the Stated Clerk be made as of November 1 1921.—1925, p. 95.

5. Standing Rules of the General Assembly.

1. The General Assembly shall meet annually on the third, fourth or fifth Thursday of May, or on the first Thursday of June, beginning at 10.30 A.M. The afternoon session shall be held at 2.30 P.M.

The Moderator, the Stated Clerk and the Treasurer shall be the Committee which shall have power to select from among said Thursdays the opening date of the Assembly. Said selection to be determined ordinarily by possible economies in transportation costs.

For the purpose of securing justice to all parts of the country and for the purpose of distributing as widely as possible the benefits accruing locally from the annual meetings of the Assembly, the country shall be divided into the following five areas:

(1) Washington, Oregon, California, Montana, Idaho, Nevada, Arizona, Utah, Wyoming, New Mexico, Colorado.

(2) North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin.

(3) Michigan, Illinois, Indiana, Ohio, Kentucky.

(4) Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina.

(5) Oklahoma, Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida.

Unless there be imperative reasons to the contrary, the Assembly shall meet in these areas and in a rotation to be determined by financial considerations.

The Stated Clerk shall have oversight of all the arrangements for the meetings and entertainment of the General Assembly, including the assignment of time and space for the unified exhibit of the Boards and Agencies.

It shall be the duty of the retiring Moderator and Stated Clerk to provide, in advance, suitable leadership for the devotional periods at the meeting of the Assembly.

Churches desiring to entertain the General Assembly during its annual meeting shall give notice thereof in writing to the Stated Clerk at least three months previous to the opening session of the General Assembly next preceding that for which the invitation is extended.

The Moderator, the Stated Clerk and the Treasurer shall be the Committee to which all invitations relating to the place of meeting shall be referred for consideration and recommendation to the General Assembly.

This Committee, should an emergency requiring action at any time arise, is authorized to provide a new place of meeting for the General Assembly.

2. The enrollment of Commissioners and Delegates takes place on the opening day of the General Assembly and on the preceding day or days, according to public notice.

The Stated Clerk shall be the Committee on Commissions. Appeals from his decisions may be taken to the Standing Committee on Polity.

The Committee on Leave of Absence is directed to grant leave of absence to such Commissioners only as certify to the satisfaction of the Committee that circumstances have arisen since departure from place of residence, and unknown to them at time of said departure, which circumstances render imperative such leave of absence before the hour of dissolution of the General Assembly.

The form of certificate required shall be as follows, and when signed shall be at once filed with the representative of the Treasurer of the General Assembly:

"The undersigned, a Commissioner to the General Assembly of the Presbyterian Church in the United States of America, meeting in , from the Presbytery of certifies that the following circumstances have arisen since his departure from place of residence, that said circumstances were unknown to him at the time of his departure, and that they necessitate leave of absence from the sessions of the General Assembly beginning
(day) (hour) namely,

Commissioner.

Approved,

For Leave of Absence Committee."

Commissioners unable to make such certification may be excused from further attendance upon the sessions of the General Assembly, but only upon the understanding that, in addition to the usual reduction in per diem allowance, a ten per cent. reduction shall be made by the Treasurer of the General Assembly in the mileage allowance of the Commissioner for each and every business session from which, in whole or in part, leave of absence is requested.

3. In all regions where, through the organization of Union Presbyteries or the existence of Missions without Presbyterial organization, there are no Presbyteries in connection with this Assembly, each Mission organized, as such, under our Board of Foreign Missions, may send to the General Assembly an ordained missionary, or ruling elder, as a delegate; and the Standing Rules of the Assembly are hereby so amended that such delegate is entitled to sit as an advisory member in the Assembly, and to speak, under the rules, on all questions, and that his expenses from his domicile, in this country, to and during the Assembly, and return, shall be met, as those of Commissioners, out of the funds of the Assembly. This rule shall also apply to Home Mission Presbyteries whose members are so located as to prevent regular meetings, and in the discretion of the Assembly. The names of the Advisory members shall be called at the first Roll-Call, and seats shall be assigned them by the Stated Clerk.

4. The whole territory of the Church shall be divided into twenty-two Electing Districts, composed of Presbyteries, so arranged, by combining the smaller Synods, and dividing the larger by Presbyteries, as to make nearly equal delegations, as follows, *e.g.:*

5. (*a*) The General Assembly shall be divided into twenty-two Electing Sections, composed of Commissioners, so arranged as to make the Sections of nearly equal delegations. The Electing Sections shall be numbered the same as the Electing Districts.

(*b*) The members of each Electing Section shall be seated together in a compact body. Accordingly, each Commissioner shall be assigned to his seat in advance of the meeting of the Assembly, by the Committee of

Arrangements, under the supervision and direction of the Stated Clerk, and shall occupy such pew or seat from the beginning of the first session until the end of the second day. The Commissioners of any one Electing District shall not occupy the same position relative to the Moderator's Chair two years in succession. Electing Sections, in the place of meeting, shall be numbered beginning from right to left immediately in front of the Moderator, and the respective Electing Sections shall be rotated from front to rear successively.

(*c*) The organization of the Electing Sections shall be effected in the following manner, to wit:

Immediately after the Roll Call, and before the nominating and seconding speeches for Moderator shall be made, the Stated Clerk shall announce one Commissioner in each Electing Section as the Convener thereof, and the receiver of any necessary papers for the Section. Under the supervision of such Convener, each Electing Section shall then elect a Chairman and a Secretary. The quorum of an Electing Section shall be a majority of its members.

6. (*a*) The roll shall be called immediately after the opening prayer at the afternoon session of the first day, in the following manner, unless there be a motion to the contrary, to wit: only the names of absentees as they appear on the roll shall be called; at which time any needed corrections may be made.

(*b*) Whenever additional members take their seats, their names shall be added to the roll.

(*c*) No Commissioner failing to enroll shall be allowed to vote in his Electing Section.

7. The election of the Moderator shall be effected immediately after the roll-call and the organization of the Electing Sections, in the following manner, to wit:

(*a*) Only one speech nominating a candidate for Moderator shall be made, limited to ten minutes; and only one speech, and that not to exceed five minutes, shall be made in seconding the nomination of a candidate.

(*b*) Where there is only one nominee for Moderator, the election may be made by acclamation. Where there are more than one, the election may be made by ballot, in the following manner, to wit:

After the nominations are made, the organization of the Electing Sections having been effected (see Rule V, (*c*)), the Chairman of each Electing Section shall appoint two tellers. Each Commissioner shall write the name of his choice on a blank, to be provided in advance by the Stated Clerk. The tellers shall collect the ballots and count them, under the supervision of the Chairman. The result shall be recorded by the Secretary on blanks in duplicate, one of which shall be handed to the Stated Clerk, with the number of the Section written thereupon. The other shall be retained by the Secretary.

(*c*) When the reports of the ballots have been handed in from all the Sections, the Stated Clerk shall read each aloud, giving the number of the Section and the vote cast. Tellers appointed by the Stated Clerk shall take and tabulate the votes as read. The Moderator shall then announce the vote as tabulated. If no one has received a majority of the whole vote, another vote shall be taken in the same manner. When one shall have received a majority, the Moderator shall announce the result, and declare him to be elected.

8. The election of the Standing Committees by the Electing Sections shall be effected immediately after the election of the Moderator, in the following manner, to wit:

(*a*) The Electing Sections shall meet, at the places assigned them, for the purpose of electing the Standing Committees, at the close of the second session on Thursday, the first day, and the place of meeting shall be designated by the Stated Clerk.

(*b*) The Standing Committees shall be the following: 1. Bills and Overtures. 2. National Missions. 3. Foreign Missions. 4. Christian Education. 5. Pensions. 6. Polity. 7. Theological Seminaries. 8. Finance. 9. Mileage. 10. Leave of Absence. 11. Synodical Records. 12. Nomination of Members of General Council. 13. Nomination of Members of Permanent Judicial Commission. 14. Resolutions of thanks.

(*c*) The Standing Committees numbered 2, 3, 4 and 5, namely, on National Missions, Foreign Missions, Christian Education and Pensions, shall each consist of forty-five members, including the chairman, and twenty-two ministers and twenty-two elders. These committees shall be chosen from the Electing Sections, each Electing Section electing one minister and one elder to each of the said committees.

(*d*) The Standing Committees numbered 1 and the serial numbers following 5, shall each consist of twenty-three members, including the chairman, and eleven ministers and eleven elders. These committees shall be chosen from the Electing Sections in the manner herein provided:

On odd-numbered years, each odd-numbered section shall elect one minister for each odd-numbered committee, and one elder for each even-numbered committee. On the same year, each even-numbered section shall elect one minister for each even-numbered committee and one elder for each odd-numbered committee. On the even-numbered years, this order shall be reversed.

The quorum of a Standing Committee shall be a majority of the members. Each Presbytery in each Electing Section shall, so far as is numerically possible, be represented on some Standing Committee.

(*e*) The Stated Clerk shall furnish to each Electing Section properly printed Election Return Blanks, for the electing of the Standing Committees, which shall be filled in by the Secretary of the Electing Section, and returned forthwith to the Stated Clerk.

(*f*) As soon as possible after his election, the Moderator shall appoint an additional member of each Standing Committee, who shall be the Chairman thereof, provided that he shall not appoint more than one member, as Chairman, from the same Electing Section, except in the case of the Committees on Mileage and on Finance, and the Chairmen of these two Committees shall be Ruling Elders. The Moderator shall be the Chairman of the Committee on Nomination of Members of the General Council.

9. The Stated Clerk shall assign their places, in the Electing Districts, to new Presbyteries that may be erected during the intervals of the meetings of the Assembly, and he shall attend to all other details connected with the operation of the Plan.

10. The election of the class of members of the General Council whose term expires at an Assembly shall take place on Wednesday, the seventh day of the Assembly's session, the nominations to be made by the Standing Committee on Nomination of Members of the General Council.

Appointments by the Moderator to fill vacancies in the General Council shall be valid only until the next succeeding Assembly, which shall then fill the vacancies by election.

11. The General Council shall, whenever it may so desire, have the floor at the sessions of the Assembly immediately following the report of the Committee on Bills and Overtures.

12. The nomination and election of members of the Permanent Judicial Commission of the General Assembly shall be taken up on the morning of Tuesday, the sixth day, as the first Order of the Day, in the following manner:

It shall be the duty of the Standing Committee on Nomination of Members of Permanent Judicial Commission of the General Assembly to report to the Assembly, on Tuesday, the sixth day, suitable nominations to fill the vacancies on the Permanent Judicial Commission of the General Assembly, from which nominations, together with any others regularly made by the Commissioners at the same time as those made by the Nominating Committee, the necessary number of persons shall be elected, on Wednesday, the seventh day.

13. The Permanent Judicial Commission of the General Assembly shall have authority to adopt rules pertaining to its own method of procedure, and shall report the same to the General Assembly; *provided*, that such rules shall not be inconsistent with the Constitution of the Church or the rules adopted by the General Assembly.

14. The Lord's Supper is celebrated by the Assembly on the first day of its sessions, all details as to place and hour and the order of the service being left to the discretion of the Moderator of the last Assembly, who presides on this occasion, and the Stated Clerk.

15. The times assigned to "popular" meetings are as follows:

The evening of Thursday, the first day, to the General Council.

The evening of Friday, the second day, to the Board of Pensions.

The evening of Saturday, the third day, to the General Council.

The afternoon of Sunday, the fourth day, to the Board of National Missions, to the Board of Foreign Missions and to the Board of Christian Education for successive meetings in the same place, the order of such successive meetings to be rotated each year.

The evening of Sunday, the fourth day, to the Board of Christian Education.

The evening of Monday, the fifth day, to the Board of National Missions.

The evening of Tuesday, the sixth day, to the Board of Foreign Missions.

It shall be out of order for any Board of the General Assembly other than the designated Board, to hold or cause to be held a popular meeting at any of the above hours, except with the express permission of the General Assembly.

16. The following reports shall be considered at the times herein designated:

The Office of the General Assembly, Friday morning.

The General Council, Friday morning.

The Standing Committee on Pensions, Saturday morning.

The Standing Committee on Christian Education, Monday morning.

The Standing Committee on National Missions, Tuesday morning.

The Standing Committee on Foreign Missions, Wednesday morning.

Friday afternoon, immediately following the Report of the Standing Committee on Bills and Overtures and the reception by the Chairman of the Standing Committees of the business assigned by said committees, the General Assembly shall adjourn to meet Saturday morning. Monday afternoon the Assembly shall adjourn at 4.00 P.M. until the next morning. Said adjournment being for the purpose of affording time for committee meetings.

17. The Standing Committees on National Missions, Foreign Missions, Christian Education and Pensions have two hours each for the consideration of their reports. This time shall be divided in the following manner: thirty minutes to the Standing Committee, forty-five minutes to the representative or representatives of the Board, and forty-five minutes to the floor; it being understood that the Standing Committee and the Board may, if both are agreed, yield one to the other a portion of their allotted time.

No commissioner shall be allowed to speak more than five minutes until all other commissioners have been heard who desire to speak on the pending question.

The reports of the chairmen shall contain only the recommendations to be submitted to the Assembly, and all detail contained in the Reports of the Boards shall be omitted from the reports and the address on a Board shall be delivered by a representative of the Board reported upon.

It shall be the duty of the Stated Clerk to communicate this rule to the Chairmen of the Standing Committees upon their appointment.

18. The Stated Clerk shall have printed and ready for distribution, so far as practicable, on the morning of the day fixed for their consideration, the resolutions appended to the Reports of Standing Committees.

19. All reports of Standing Committees and Commissions presented on the floor of the General Assembly shall be typewritten, and two carbon copies shall be made, the original to be presented to the Stated Clerk at the time the report is made, one carbon copy to be retained by the Chairman of the Committee or Commission until the close of the Assembly, and one carbon copy furnished to the Publicity Department through the Stated Clerk for the use of the Press and such other persons as desire copies of the Assembly actions.

20. Each Board is instructed to send up its Minutes with its Annual Report, that these Minutes may be reviewed by the Assembly, on the Report of the appropriate Standing Committee.

21. On or before May first of each year a sufficient number of the "Preliminary" Reports of the Boards, prepared according to specifications furnished by the Stated Clerk, shall be forwarded by them to the place designated by the Stated Clerk. A complete file of the same, stitched together, shall be delivered to each Commissioner.

These "Preliminary" Reports shall each be prefaced by a complete list of the members of the Board making the report, with the names of the members especially noted whose terms of office expire at the next meeting of the General Assembly.

22. No person shall serve as a member of a Board who is a salaried executive officer or employee of said Board, or of any institution officially connected with and under the immediate control of said Board, or a salaried executive officer or employee of any other Board of the Church; and no more than one ruling elder from the same congregation shall serve on a Board at the same time, except with the express permission of the Assembly.

23. Upon the original appointment of any salaried executive officer of any of the Boards of the Church, such appointment shall be subject to the approval of the General Assembly.

24. The Standing Committees on National Missions, Foreign Missions, Christian Education, and Pensions, shall each file with the Stated Clerk of the General Assembly at least twenty-four hours before the time appointed for election, the names of the nominees for membership on said Boards. Any vacancy occurring in the membership of any of the Boards of the Church during the intervals between the General Assemblies may be filled until the next succeeding meeting of the Assembly by the Board in which such vacancy may occur.

25. The Moderator is authorized to fill by appointment any vacancies which may occur, by resignation or otherwise, in any of the Special Committees.

26. When members of Committees do not attend for two successive meetings, and their absence is unexcused, then their places become automatically vacant, and the Moderator of the Assembly is authorized to appoint their successors.

27. No minister or ruling elder shall be appointed to serve on more than one special committee, except by consent of the General Assembly.

28. All Special Committees appointed by one General Assembly to report to the next Assembly shall be ready to present their reports on the second day of the session. Only one formal address in explanation of a report shall be made.

29. All reports of Special and other Committees shall be delivered to the Stated Clerk on or before April 1, in each year, shall be printed by him, and copies shall be sent, in bound form, to Commissioners, so far as practicable, immediately upon notification of their election; and copies shall also be delivered to the Assembly on the second day of the sessions.

All reports included in the above bound form are thereby released for public comment or quotation, but such release does not preclude subsequent changes in any report before its presentation at the General Assembly.

30. The Stated Clerk shall receive all Memorials, Overtures and other miscellaneous papers addressed to the General Assembly, shall make record of the same, and then deliver them, for distribution or reference, to the Standing Committee on Bills and Overtures. All papers which purport to be judicial in character, however, shall be transmitted by the Stated Clerk directly to the Permanent Judicial Commission, and immediately upon the assembling of the Commission, at the place of meeting of the General Assembly.

31. All Overtures, Memorials and miscellaneous papers connected with the business of the Assembly must be presented to the Assembly through the Stated Clerk not later than the close of the second day of its session.

32. All Overtures from Presbyteries and Synods, which are to come before the General Assembly shall be, so far as practicable, in the hands of the Stated Clerk at least two weeks before the meeting of the Assembly, and by him shall be printed in convenient form for distribution on the floor of the Assembly, such distribution to be made not later than the second day of the Assembly.

33. All resolutions for the appropriation of money, outside of the Boards, shall be submitted to the General Council for consideration and recommendation before action be taken by the Assembly.

34. The recommendation of any particular congregation to the benevolence of the denomination, by the General Assembly, is not to be understood as creating either a legal or a moral obligation upon the Assembly for the payment of the amount recommended to be contributed by the churches.

35. Unless previously docketed no new business may be introduced on the floor of the General Assembly after the adjournment of the Tuesday (the sixth day) afternoon session of the General Assembly.

36. Only notices connected directly with the business of the General Assembly shall be read from the platform, and all notices, prior to announcement, shall be submitted either to the Moderator or the Stated Clerk for approval. Telegrams and special letters shall be reported to the Assembly only at times to be designated by the Moderator.

37. The Stated Clerk is authorized to revise the phraseology of all papers sent down to the Presbyteries to be voted upon, provided that in no case shall he so change the phraseology as to alter the meaning.

38. The Stated Clerk shall supervise the publication of any and all editions of the Constitution hereafter issued officially by the General Assembly, and also of the Rules for Judicatories.

39. The Annual Statistical Report of each church to Presbytery shall be in the hands of the Stated Clerk of Presbytery on or, if possible, before the April date set by Presbytery.

40. The Annual Statistical Report of each Presbyterial Stated Clerk together with such other papers as it may be his duty, annually, to transmit to the Stated Clerk of the General Assembly shall be in his hands on or, if possible, before May first.

41. On or before June first of each year each Board of the General Assembly and, so far as the Stated Clerk may deem necessary of the Synods and Presbyteries, shall file with the Stated Clerk a complete statement of the amounts received by them from the individual churches. These statements shall be filed on forms furnished by the Stated Clerk. They shall, in the case of each individual church, include all moneys received through the church and also, as far as possible, all moneys contributed directly by the individual members thereof to the Boards and Agencies. Legacies, properly indicated, special gifts and benevolent contributions applied toward the liquidation of loans or mortgages, are to be included. As this total of receipts from all sources is desired *solely for the purpose of record*, it is to be understood that such total is not to be used as a basis in computing the amount within which a Presbytery or Synod may claim appropriations for Home Mission work under the rule of the General Assembly, nor is such total to be used as the basis of Presbyterial or Synodical quotas.

42. On or before July first of each year a sufficient number of the completed Reports of the Boards, prepared according to specifications furnished by the Stated Clerk, shall be forwarded by them to the place designated by the Stated Clerk for binding and distribution according to the directions of the General Assembly.

43. The Stated Clerk shall mail the list of commissioners to the General Assembly each year to ministers and ruling elders who file a written request for said list on or before April first, and who pledge themselves not to use

the same for commercial purposes. Said lists shall be sent also to the Boards, to the Presbyterian Church weeklies and to the railroad passenger agents.

44. The Standing Rules may be suspended by a two-thirds vote of the Assembly, upon motion duly made.

C. General Rules for Judicatories.

Adopted by the General Assembly of 1871, with Amendments to 1930.

The following "General Rules for Judicatories," not having been submitted to the Presbyteries, make no part of the Constitution of the Presbyterian Church. Yet the General Assembly of 1871, considering uniformity in proceedings in all the subordinate judicatories as greatly conducive to order and dispatch in business, having revised and approved these Rules, recommend them to all the lower judicatories of the Church for adoption. Succeeding Assemblies have also approved these Rules, making amendments from time to time.

It will be understood that the words in black-faced type, which immediately precede each Rule and summarize its contents, form no part of the Rule itself.

Meeting to be opened with prayer:

I. The Moderator shall take the chair precisely at the hour to which the judicatory stands adjourned; and shall immediately call the members to order; and, on the appearance of a quorum, shall open the session with prayer.

Those eligible to preside if Moderator be absent:

II. If a quorum be assembled at the time appointed, and the Moderator be absent, the last Moderator present, *being a commissioner*, or if there be none, the senior member present, shall be requested to take his place without delay, until a new election.

Procedure when no quorum is present:

III. If a quorum be not assembled at the hour appointed, any two members shall be competent to adjourn from time to time, that an opportunity may be given for a quorum to assemble.

Moderator to preserve order and dispatch business:

IV. It shall be the duty of the Moderator, at all times, to preserve order, and to endeavor to conduct all business before the judicatory to a speedy and proper result.

Moderator to keep schedule of business assigned for particular times:

V. It shall be the duty of the Moderator carefully to keep notes of the several articles of business which may be assigned for particular days and to call them up at the time appointed.

Moderator discussing and deciding points of order:

VI. The Moderator may speak to points of order, in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the judicatory by any two members.

Moderator appointing committees and Vice-Moderator:

VII. The Moderator shall appoint all committees, except in those cases in which the judicatory shall decide otherwise. In appointing the Chairmen of the Standing Committees, the Moderator may appoint a Vice-Moderator, who may occupy the chair at his request, and otherwise assist him in the discharge of his duties.

When Moderator may or may not vote:

VIII. When a vote is taken by ballot in any judicatory, the Moderator shall vote with the other members; but he shall not vote in any other case, unless the judicatory be equally divided; when, if he does not choose to vote. the question shall be lost.

Committee Chairmanship:

IX. The person first named on any committee shall be considered as the chairman thereof, whose duty it shall be to convene the committee; and, in case of his absence or inability to act, the second named member shall take his place and perform his duties.

Clerk to form complete roll for Moderator:

X. It shall be the duty of the Clerk, as soon as possible after the commencement of the sessions of every judicatory, to form a complete roll of the members present, and put the same into the hands of the Moderator. And it shall also be the duty of the Clerk, whenever any additional members take their seats, to add their names, in their proper places, to the said roll.

Duties of Stated Clerk and Committee on Bills and Overtures:

XI. It shall be the duty of the Clerk immediately to file all papers, in the order in which they have been read, with proper endorsements, and to keep them in perfect order. The Stated Clerk shall receive all overtures, memorials and miscellaneous papers addressed to the judicatory; shall make record of the same and deliver them to the Committee on Bills and Overtures for appropriate disposition or reference. This committee shall have the floor on the reassembling of the judicatory after each adjournment, to report its recommendations as to orders of business or reference of papers, and this right of the committee shall take precedence of the Orders of the Day. This committee shall report the papers retained by it, as well as those recommended for reference to other committees, and no committee shall report on matters which have not been referred to it by the judicatory.

Minutes of last meeting:

XII. The minutes of the last meeting of the judicatory shall be presented at the commencement of its sessions, and, if requisite, read and corrected.

Unfinished business:

XIII. Business left unfinished at the last sitting is ordinarily to be taken up first.

Motion seconded, repeated, read aloud, written:

XIV. A motion made must be seconded, and afterwards repeated by the Moderator, or read aloud, before it is debated; and every motion shall be reduced to writing, if the Moderator or any member require it.

Withdrawal of a motion:

XV. Any member who shall have made a motion shall have liberty to withdraw it, with the consent of his second, before any debate has taken place thereon; but not afterwards, without the leave of the judicatory.

Dividing a motion:

XVI. If a motion under debate contain several parts, any two members may have it divided, and a question taken on each part.

Motions for filling blanks:

XVII. When various motions are made with respect to the filling of blanks with particular numbers or times, the question shall always be first taken on the highest number and the longest time.

Motions put without debate, and those on which members may speak but once or twice:

XVIII. Motions to lay on the table, to take up business, to adjourn, and the call for the previous question, shall be put without debate; but it shall not be in order for any one debating another motion to propose the motion to lay on the table or the previous question, at the close of his remarks, unless he shall obtain the floor again for that purpose. On questions of orders, postponement, or commitment, no member shall speak more than once. On all other questions, each member may speak twice, but not oftener without express leave of the judicatory.

Motions admissible when a question is under debate:

XIX. When a question is under debate, no motion shall be received, unless to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order in which they are herein arranged; and the motion for adjournment shall always be in order.

Amendments and substitutes:

XX. An amendment, and also an amendment to an amendment, may be moved on any motion; but a motion to amend an amendment to an amendment shall not be in order. Action on amendments shall precede action on the original motion. A substitute shall be treated as an amendment.

Motions to lay on the table:

XXI. A distinction shall be observed between a motion to lay on the table *for the present* and a motion to lay on the table *unconditionally*, viz.: A motion to lay on the table *for the present*, shall be taken without debate; and, if carried in the affirmative, the effect shall be to place the subject on the docket, and it may be taken up and considered at any subsequent time. But a motion to lay on the table *unconditionally* shall be taken without debate; and, if carried in the affirmative, it shall not be in order to take up the subject during the same meeting of the judicatory, without a vote of reconsideration.

The previous question:

XXII. The previous question shall be put in this form, namely, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and the effect shall be to put an end to all debate and bring the body to a direct vote: First, on a motion to commit the subject under consideration (if such motion shall have been made); secondly, if the motion for commitment does not prevail, on pending amendments; and lastly, on the main question.

Motion to reconsider:

XXIII. A question shall not be again called up or reconsidered at the same sessions of the judicatory at which it has been decided, unless by the consent of two-thirds of the members who were present at the decision; and unless the motion to reconsider be made and seconded by persons who voted with the majority.

A question shall not again be called up or reconsidered at a meeting of a judicatory subsequent to that at which it was decided unless at least ten days' notice in the case of a session or a Presbytery, and at least thirty days' notice in the case of a Synod, shall have been given the members of the judicatory through the Stated Clerk, or in the case of his death or disability through the Moderator of the judicatory, of the precise wording of the resolution of reconsideration and of proposed subsequent action, if reconsideration be voted (such as amend, annul, expunge, exscind, rescind). Reconsideration and any proposed subsequent action (such as amend, annul, expunge, exscind, rescind), under the above procedure, may when the judicatory convenes, be moved or seconded by any member of the judicatory present and a majority vote of the members present shall determine.

Indefinite postponement:

XXIV. A subject which has been indefinitely postponed, either by the operation of the previous question or by a motion for indefinite postponement, shall not be again called up during the same sessions of the judicatory, unless by the consent of three-fourths of the members who were present at the decision.

Members declining to vote:

XXV. Members ought not, without weighty reasons, to decline voting, as this practice might leave the decision of very interesting questions to a small proportion of the judicatory. Silent members, unless excused from voting, must be considered as acquiescing with the majority.

Effect of commencing to take the vote, and of deciding to vote at a definite time:

XXVI. When the Moderator has commenced taking the vote, no further debate or remark shall be admitted, unless there has evidently been a mistake, in which case the mistake shall be rectified, and the Moderator shall recommence taking the vote. If the House shall pass the motion to "vote on a given subject at a time named," speeches shall thereafter be limited to ten minutes. Should the hour for adjournment or recess arrive during the voting, it shall be postponed to finish the vote, unless the majority shall vote to adjourn; in which case the voting shall, on the reassembling of the House, take precedence of all other business till it is finished. Under this rule the "yeas and nays" shall not be called except on the final motion to adopt as a whole. This motion to fix a time for voting shall be put without debate.

Calling for the yeas and nays, or for a division:

XXVII. The yeas and nays on any question shall not be recorded, unless required by one-third of the members present. If division is called for on any vote, it shall be by a rising vote without a count. If on such a rising vote the Moderator is unable to decide, or a quorum rise to second a call for "tellers," then the vote shall be taken by rising, and the count made by tellers, who shall pass through the aisles and report to the Moderator the number voting on each side.

Personal reflections not permissible:

XXVIII. No member, in the course of debate, shall be allowed to indulge in personal reflections.

More than one rising to speak at the same time, and opposite sides alternating in debate:

XXIX. If more than one member rise to speak at the same time, the member who is most distant from the Moderator's chair shall speak first. In the discussion of all matters where the sentiment of the House is divided, it is proper that the floor should be occupied alternately by those representing the different sides of the question.

More than three members standing at the same time:

XXX. When more than three members of the judicatory shall be standing at the same time, the Moderator shall require all to take their seats, the person only excepted who may be speaking.

Speakers to observe decorum and respect:

XXXI. Every member, when speaking, shall address himself to the Moderator, and shall treat his fellow-members, and especially the Moderator with decorum and respect.

Speakers not to be interrupted:

XXXII. No speaker shall be interrupted, unless he be out of order, or for the purpose of correcting mistakes or misrepresentations.

Members to refrain from private conversation:

XXXIII. Without express permission, no member of a judicatory, while business is going on, shall engage in private conversation; nor shall members address one another, nor any person present, but through the Moderator.

Gravity and dignity commended: prolix and desultory speeches to be avoided:

XXXIV. It is indispensable that members of ecclesiastical judicatories maintain great gravity and dignity while judicially convened; that they attend closely in their speeches to the subject under consideration, and avoid prolix and desultory harangues; and when they deviate from the subject, it is the privilege of any member, and the duty of the Moderator, to call them to order.

Disorderly members subject to reproof:

XXXV. If any member act, in any respect, in a disorderly manner, it shall be the privilege of any member, and the duty of the Moderator, to call him to order.

Right of appeal from Moderator's decision:

XXXVI. If any member consider himself aggrieved by a decision of the Moderator, it shall be his privilege to appeal to the judicatory, and the question on the appeal shall be taken without debate.

Leave of absence:

XXXVII. No member shall retire from any judicatory without the leave of the Moderator, nor withdraw from it to return home without the consent of the judicatory.

Private sessions:

XXXVIII. All judicatories have a right to sit in private on business which, in their judgment, ought not to be matter of public speculation.

Interlocutory meetings:

XXXIX. Besides the right to sit judicially in private, whenever they think proper to do so, all judicatories have a right to hold what are commonly called "interlocutory meetings," in which members may freely converse together, without the formalities which are usually necessary in judicial proceedings.

Sitting in Judicial capacity:

XL. Whenever a judicatory is about to sit in a judicial capacity, it shall be the duty of the Moderator solemnly to announce, from the chair, that the body is about to pass to the consideration of the business assigned for trial, and to enjoin on the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to act.

Committee on Judicial Business:

XLI. It is expedient that Synods and Presbyteries appoint a Standing Committee, to be known as "the Committee on Judicial Business," to whom shall be referred all papers and questions of a judicial nature, and whose duty it shall be to recommend to the judicatory answers to judicial questions and orders of procedure in all judicial cases. The members of the Committee on Judicial Business are not debarred by their appointment from sitting and voting as members of the judicatory.

Permanent officers have the rights of corresponding members:

XLII. The permanent officers of a judicatory shall have the rights of corresponding members in matters touching their several offices.

Manner of closing final session:

XLIII. The Moderator of every judicatory above the Church Session, in finally closing its sessions, in addition to prayer, may cause to be sung an appropriate psalm or hymn, and shall pronounce the apostolical benediction.

Procedure in taking cases from inferior courts to the General Assembly:

XLIV. Whenever a case is to be taken from an inferior judicatory to the General Assembly, the Stated Clerk of such inferior judicatory shall, at least twenty days before the meeting of the General Assembly, send a notice concerning such case to the Stated Clerk of the Assembly, who shall forthwith notify the Chairman of the Permanent Judicial Commission, unless the General Assembly shall have ordered otherwise, that the services of the Commission will be needed at the approaching Assembly; but if no such notice shall be received by the Stated Clerk of the General Assembly, he shall forthwith notify the Chairman of the Permanent Judicial Commission that the services of the Commission will not be needed at the approaching Assembly.

Suspending the rules:

XLV. These rules may be suspended by a two-thirds vote of the judicatory, upon motion duly made.

CHAPTER XIII.

OF ELECTING AND ORDAINING RULING ELDERS AND DEACONS.

I. Having defined the officers of the Church, and the judicatories by which it shall be governed, it is proper here to prescribe the mode in which ecclesiastical rulers should be ordained to their respective offices, as well as some of the principles by which they shall be regulated in discharging their several duties.

II. Every congregation shall elect persons to the office of ruling elder, and to the office of deacon, or either of them, in the mode most approved and in use in that congregation. In all cases the persons elected must be members in full communion in the church in which they are to exercise their office.

[Note.—See this *Digest*, Form of Government, Chap. v, Sec. 1, p. 86.]

1. Interpretation of personal pronouns in certain sections of the Constitution.

Whereas, Form of Government, Chapter xiii, Section ii, has in accordance with the provisions for amending the Constitution been amended to read as follows:

"Every congregation shall elect persons to the office of ruling elder, and to the office of deacon, or either of them, in the mode most approved and in use in that congregation. In all cases the persons elected must be members in full communion in the Church in which they are to exercise their office."

Therefore, be it resolved that it is the judgment of this General Assembly that such sections of the Constitution and such deliverances of previous General Assemblies as are affected by said change in the Constitution not as to substance, but solely as to verbal interpretation in connection with the use of personal pronouns, should be interpreted generically, that is, as applying to either men or women.—1930, p. 139.

2. Elders must be duly elected and set apart.

The following inquiry was referred to the decision of the Assembly by the Synod of the Carolinas, viz.:

In what point of light are the elders nominated and ordained by Mr. Balch to be viewed hereafter in Mount Bethel congregation?

It was determined by the Assembly that the "elders" mentioned in the inquiry are to be henceforth viewed as private church members only, unless they be duly elected and set apart as church officers hereafter.—1798, p. 158.

3. The Session may propose names to the congregation.

The Reports on the Records of the Synod of Pittsburgh were taken up and read. The majority Report is as follows, viz.: "The Committee to whom the Records of the Synod of Pittsburgh were committed would report that they have examined the same and find them regularly and neatly kept, and would recommend their approval."

The Report of the minority is as follows, viz.: "The minority of the Committee on the Records of the Synod of Pittsburgh recommend that they be approved, with the exception of the censure passed on the Presbytery of Redstone, p. 284, for their disapproval of the action of the Session of Morgantown in nominating two persons to the office of ruling elder in that congregation, and recommend that the judgment of the Synod be reversed, and that the following resolution be adopted, to wit:

Resolved, That in the judgment of the Assembly, the nomination by the Session of persons to the office of ruling elder or deacon is contrary to Form of Government, Chap. xiii, Sec. ii, which says, 'Every congregation shall elect persons to the office of ruling elder or deacon in the mode most approved and in use in that congregation,' and is inconsistent with the freedom of elections."

On motion the Report of the majority was adopted as the sense of the Assembly, and the whole ordered to be entered on the *Minutes*.—1847, p. 381, O. S.

4. A meeting for the election of elders can be called regularly only by the Session or by some higher court.

Overtures, from two ruling elders of the Brazeau Church, Presbytery of Potosi, Synod of Missouri, as follows: "Is it regular for a congregation, where there is no pastor, and a Session of two ruling elders, to call a meeting of the congregation and elect a new Session without consulting the Session of the church where said election was made by a small minority of the church?"

The Committee recommend the following answer: "The Session of a church should always be consulted with reference to calling a meeting for the election of additional ruling elders; and it is irregular to call a meeting for such a purpose, and proceed to an election, unless the meeting is called through and by authority of the Session or some higher court."—1867, p. 320, O. S.

5. Relation of the Session to the meeting of the electors.

In an election of elders in a particular church, should the meeting for the election be presided over by the Session and is the Session alone competent to conduct the election?

The Committee recommend that the Presbytery be referred to Chap. xiii, Sec. ii, of the Form of Government.—1878, p. 57.

6. The pastor is moderator ex officio of a meeting to elect elders and deacons.

Overture No. 5, being a request from the Synod of New York for an answer to the following question: "Is the pastor of a church, by virtue of his office, the moderator of a meeting of the communicants of his church called to elect ruling elders and deacons, and will the answer to this question also apply to regularly appointed moderators of Sessions who are not pastors?" It is recommended that these questions be answered in the affirmative.—1886, p. 26.

7. A superior judicatory may authorize the meeting.

That the entire church take immediate measures to elect a new bench of elders, with a view to promote the peace of the church, and to secure the permanent settlement of the Gospel ministry among them.—1834, p. 453.

[Note.—See under 8, below.]

8. The remedy in case the Session refuse to convene the congregation is to complain to Presbytery.

The Session of a church has the authority to convene the congregation for all such purposes; but should the Session neglect or refuse to convene the congregation, the party feeling aggrieved has its remedy by application to Presbytery in the form of a Complaint.—1822, p. 49.

[Note.—See 13, below, p. 383; 1840, p. 305, O. S. Also Book of Discipline, Sec. 72.]

9. Irregularity in call of meeting does not necessarily invalidate the election.

a. G. B. Smith and J. T. Clark were elected elders of the Church of Madison, Wis., at a meeting held on Sunday, August 26, 1855. David Dennon and H. J. Davidson were elected deacons. Notice of the meeting had been given on the previous Sabbath from the pulpit, and also on the day of meeting. Messrs. G. B. Smith and J. T. Clark were ordained as elders on the evening of that day. David Dennon was at the same time ordained as deacon. At the next meeting of Presbytery, called *pro re nata*, at the request of the party opposed to the present complainants, J. T. Clark and J. Y. Smith both claimed seats as the representatives of the Madison Church. Mr. Clark had been appointed by the Session, the vote being a tie, and the casting vote being given for him by the moderator. The two former elders of the church, one of whom was an ordained minister and a member of the Presbytery of Dane, withdrew, alleging that they disputed the fact that the other two were elders. At the Presbytery, J. Y. Smith contested the right of Clark to a seat in that body, on the ground that the meeting to elect elders had not been called by order of the existing Session. The existing or former Session and their party had due notice of the meeting, and were present at its commencement. They attempted to postpone the election, and withdrew after the majority had voted to proceed with the election.

The Presbytery of Dane admitted Mr. Clark to his seat, thus recognizing the validity of his election and ordination. Against this action of the Presbytery, J. Y. Smith and his party complained to the Synod of Wisconsin. The Synod sustained the Complaint, thus pronouncing the election and the ordination of the new elders invalid. Against this decision of the Synod, Mr. Gardiner and Mr. J. T. Clark complain.

The above is the statement of the case as agreed upon by the parties. It is submitted with a view of saving the time of the Assembly.

The Judicial Committee recommend to the Assembly the adoption of the following Minute, as a final settlement of the case, agreed on by both parties:

1. That the Complaint be sustained *pro forma*, and the decision of the Synod be reversed, so far as it pronounces the election and ordination of the elders and deacons invalid, the Assembly being of opinion that the informality in the call of the congregational meeting was not so serious as to vitiate the election and ordination.

2. That the Synod was right in pronouncing the call of the congregational meeting irregular.

3. That although the Assembly thus recognize the validity of the election and ordination of the said elders and deacons, they yet recommend, the said elders having assented thereto by their representatives, that in view of past and existing difficulties the said elders and deacons cease to act, according to our Form of Government, until such time as in the estimation of the Presbytery of Dane the church can be reasonably harmonious in receiving them in their official capacity.—1856, p. 517, O. S.

10. Ministers are not elegible to the eldership.

a. *Overture* from sundry members of the Assembly, inquiring whether an ordained minister may accept and exercise the office of ruling elder in a church belonging to the same Presbytery of which he is a member.

At the recommendation of the Committee this was answered in the negative.—1856, p. 522, O. S.; confirmed, 1871, p. 546.

b. The Special Committee, appointed by the last Assembly, on the relation of unemployed ministers to the churches among whom they reside, presented their Report, which was adopted, and is as follows:

By the last General Assembly, which met at Dayton, O., the undersigned were appointed a Committee to consider and report upon the following resolution (see *Minutes*, 1864, p. 462):

Resolved, That the subject of the relation of unemployed ministers to the churches among whom they reside, and whom they may be desired and are disposed to serve as ruling elders, be referred to a Committee to consider and recommend what action can and ought to be taken by the Assembly for removing the Constitutional restriction which prevents the employment of such ministers in the service of the Church as ruling elders, and report to the next Assembly.

The "Constitutional restriction" referred to is found in the Form of Government, Chap. xiii, Sec. ii, where it is said that persons elected to the offices of ruling elder and of deacon must "in all cases" be male members in full communion in the church in which they are to exercise their office. By the practice of our Church, ministers are not members of any particular church, and therefore cannot be eligible to the above offices.

The case might be reached Constitutionally in one of two ways. The first would be an alteration of the above rule, making an express exception in respect to "unemployed ministers;" but this would involve the infelicity and inconvenience of holding two offices, and would require adjustments of the other parts of the Constitution.

The other mode would be the adoption of a Constitutional provision allowing, in certain well-defined cases, the demitting of the ministerial office. While some of your Committee are inclined to this course, yet they do not think it expedient to recommend it for adoption without further discussion and more specific instructions from the Assembly.

At the same time your Committee are unanimously of the opinion that any church has a right to avail itself of the experience and wisdom of such unemployed ministers. While it cannot directly invest such ministers with the office of ruling elder, yet it may, by a formal vote, request them to take part in all the deliberations of the Session. What is desirable in the case may thus be gained without any violation of Constitutional provision.—1865, pp. 13, 14, N. S.

[NOTE.—See, however, this *Digest*, Form of Government, Chap. ix, Secs. i, 4, p. 102, and iii, where it is affirmed that a Session may not invite a minister of the Gospel to sit as a corresponding member. A minister cannot act as a ruling elder, since he is not a "representative of the people" nor elected by the church for that service.]

c. A minister belonging to the Presbytery of Grand River Valley, now editing a paper and not preaching on account of throat difficulty, was solicited to accept the office of elder by the First Presbyterian Church, of Grand Haven, Mich., was elected unanimously, accepted the office, and entered on his duties. The Presbytery, in reviewing the Records, declared it was irregular, and did nothing more. The pastor of said church brought the matter before the Session; and, after considering the case, the Session did nothing. This brother, not being able to preach and over sixty years of age, accepted the office of ruling elder because he was willing to work in the vineyard of the Lord in a more humble capacity, but has not resigned the ministerial office, holding still his place as a member of the Presbytery of Grand River Valley.

The Committee recommended for answer a reference to the Report of the Special Committee on this subject, made to the Assembly of 1865, and found in the *Minutes* for that year, pp. 13, 14 (see **b** above.)—1869, 282, N. S.

d. "Is a minister a member of a particular church, and, as such, is he eligible to the office of ruling elder in that church?"

The Committee recommend that the Assembly answer "No;" and refer to the *Digest* (Moore, 1873), page 339.—1874, p. 84.

e. *Overture* from the Presbytery of Cedar Rapids, asking the General Assembly to take such action as may be necessary to permit churches, when they so desire, to elect as ruling elders ministers of our Church, without charge, who are resident members of their congregations. Your

Committee would recommend that this Overture be answered in the negative, because ministers are not members of any particular church, nor amenable to its discipline. See Form of Government, Chap. xiii, Sec. ii. —1893, p. 116.

f. *An exception allowed in the case of foreign missionaries.*

Overtures from the Synod of Wisconsin and from the Presbytery of Corisco, asking "whether a minister who has been compelled in the providence of God to lay aside active ministerial duties is eligible to the eldership;" and "whether an ordained minister can occupy the position of a ruling elder in the Church."

The Committee recommend that the Synod and Presbytery be referred to the action of the General Assembly (O. S.) of 1856 (see **a** above), and that that action be now reaffirmed by this Assembly—that an ordained minister cannot be also a ruling elder in a congregation.

And that the Presbytery of Corisco be also informed that in exceptional cases, on foreign missionary grounds, it may be expedient for a minister to perform temporarily the functions of a ruling elder without having been specially set apart to the office.—1871, p. 546.

g. *Overture* from the Presbyterian Mission in Korea. In the absence of ordained elders a Session may consist, on a foreign field, of the missionaries in charge of the work.—1896, p. 147.

[NOTE.—See under Form of Government, Chap. ix, Sec. i, p. 101.]

11. Uniformity in the mode of election deemed impracticable.

The Committee on *Overture No. 9*, relating to an amendment in the Form of Government, Chap. xiii, Sec. ii, reported, and their Report was adopted, and is as follows, viz.:

The Committee to whom was referred the consideration of *Overture No. 9*, relating to an alteration of that part of the Constitution of our Church which gives the right of choosing ruling elders and deacons to the congregation, in the way most approved and in use in the congregation, reported, that after deliberating on the subject they find themselves unable to devise any method by which a uniformity of practice can be established in this interesting concern throughout the different sections of our Church, and believe that any alteration effected in the Constitution, with a view to relieve the difficulties in one section, would produce difficulties in another section of the Church. The Committee therefore judge it inexpedient to propose any alteration, and recommend that the Assembly dismiss this subject from any further consideration.—1826, p. 187. [See 13 below.]

12. The mode most approved and in use may be changed by the congregation. Direct vote advised.

And while the Assembly would recognize the undoubted right of each congregation to elect their elders in the mode most approved and in use among them, they would recommend that in all cases where any dissatisfaction appears to exist, the congregation be promptly convened to decide on their future mode of election. And they are inclined to believe that the spirit of our Constitution would be most fully sustained by having in all cases a direct vote of the congregation in the appointment of elders. —1827, p. 215.

[NOTE.—See under Sec. viii, p. 396.]

13. The right of the superior judicatory to interfere with the mode in use disavowed.

The Assembly deem it proper, in sustaining the *Complaint* of the Presbytery of Blairsville, to declare that they do it on the ground that the decision of the Synod of Pittsburgh, disapproving of the act of the Presbytery, if carried into effect, would render it necessary for the churches in that Presbytery, and any other within the bounds of that Synod whose practice may be the same, to change their usage as to the manner of electing ruling elders, which by the Constitution is left to be regulated by "the mode most approved and in use in each church." At the same time, the Assembly, in coming to this result have no design to establish a uniform mode of electing elders throughout the Church, which is designedly left by the Constitution to be regulated by the usage of each particular church.

And it may be added that in those churches in which the usage has prevailed for the existing eldership to determine when and how large an addition shall be made to the Session, the Church has an effectual security against the abuse of that power, in the right of Appeal or Complaint secured by the Constitution.—1840, p. 305, O. S.

[NOTE.—See Form of Government, Chap. xiii, Sec. ii.]

14. Who are the electors of ruling elders and deacons?

a. *Most desirable to have communicants only; members not communicants, where such is the usage.*

The General Assembly, having gone fully into the consideration of the *Appeal* from the decision of the Synod of Ohio, by Messrs. Lowerie and Kelso, and having seen with deep regret the appearance of much disorder in the whole business, which they disapprove, believing, as the Assembly do, that the election of elders should be conducted with all due deliberation, according to the letter of the Constitution of the Presbyterian Church, and in the spirit and temper of the Gospel and although the Assembly are of the opinion that it would be most desirable to have the communicants only as the electors of ruling elders, yet, as it appears to be the custom in some of the churches in the Presbyterian connection, to allow this privilege to others, they see no reason why the election be considered void, nor any reason why the decision of the Synod of Ohio should not be affirmed. Therefore

Resolved, That the sentence of the Synod of Ohio be and it is hereby affirmed.—1822, p. 49.

b. *Only baptized persons allowed to vote for ruling elders.*

Ought an unbaptized person, who yet pays his proportion for the support of a congregation, to be permitted to vote for ruling elders?

The office of ruling elder is an office in the Church of Christ; that ruling elders as such, according to the Constitution, Book I, Form of Government, Chap. v, are "the representatives of those by whom they are chosen, for the purpose of exercising government and discipline," in the kingdom of our Lord Jesus Christ; that the discipline lawfully exercised by them is the discipline exercised through them by their constituents, in whose name and by whose authority they act in all that they do. To suppose, therefore, that an unbaptized person, not belonging to the visible kingdom of the Redeemer, might vote at the election of ruling elders, would be to establish the principle that the children of this world might through their representatives exercise discipline in the Church of God, which is manifestly unscriptural and contrary to the Standards of our Church, and your Committee would therefore recommend that the question on the said Overture be answered in the negative.—1830, reprint, p. 284.

c. *Neither the presiding officer nor the Session may disqualify voters whose standing has not been impaired by judicial process.*

When a meeting of a church duly called is held for the election of elders, may the moderator presiding at such meeting disqualify voters whose standing has not been impaired by regular judicial process?

Answered in the negative.—1896, p. 91.

Resolved, That neither the presiding officers of church or congregational meetings, nor the Sessions of churches, possess the power to deprive communicant members in good standing of their right to vote at meetings of the church or of the congregation, except by due process of law in accordance with the provisions of the Book of Discipline.—1897, p. 139.

d. *Most consonant to our Form of Government that communicants only be the electors.*

Are others than communicants entitled to vote for ruling elders?

The Assembly, in accordance with the decision of former Assemblies, judges it most consonant to our Form of Government that communicants only should vote in the election of ruling elders.—1855, p. 299, O. S.

Overture.—A resolution, referred by the Assembly, asking for a definition of the word "congregation," as used in the chapter of our Book of Discipline which prescribes the manner of electing ruling elders. Your Committee recommend the Assembly to answer, that the term "congregation" includes only the actual communicants of the particular church.—1882, p. 97.

Resolved, That only communicants in good standing are qualified voters at the election of ruling elders and deacons.—1897, p. 138.

e. *No distinction to be made as to the age of electors.*

As to the right of minors to vote in the election of elder and deacon.

That it is not in accordance with the principles and usages of the Presbyterian Church to distinguish between members of the Church as to their ages, in voting for officers of the Church.—1859, p. 18, N. S.

Paper No. 5, being a Complaint of Rev. Arthur C. Ludlow to the Synod of Ohio against the action of the Presbytery of Cleveland, touching the Constitutionality of a provision in the Constitution of the Windermere Church, limiting participation in the election of "Deacons and Elders to communicants over eighteen years of age." Presbytery declared this clause "plainly unconstitutional." Synod referred the subject to the

General Assembly for an expression of its judgment. It is recommended that the decision of the Presbytery be sustained.—1897, p. 131.

f. *Roll of members is the list of voters.*

Resolved, That the rolls of communicant members in good standing in the possession of the clerks of Sessions shall be the authoritative lists of voters at church meetings.—1897, p. 139.

g. *Two-thirds vote recommended in some cases.*

In case of trouble within the church connected with the election of elders, the Assembly has twice recommended "the persons so elected not to accept the office unless they shall obtain the suffrages of at least two-thirds of the electors participating in the election.—1834, p. 453; 1893, p. 152.

15. All office bearers must faithfully accept the Standards.

Overture from the Session of the First Church of Dayton, O., asking whether persons who do not accept the teaching of the Church regarding infant baptism are eligible to the office of ruling elder or deacon. Your Committee recommend that the Assembly return the following answer: A faithful acceptance of the Confession of Faith is required of those who accept office in our churches; and if any cannot faithfully accept this Confession of Faith, they should decline office in the church. But, so far as the Overture refers to a particular case, we recommend that it be returned to the church and submitted to the Presbytery.—1882, pp. 98, 99.

16. A congregation has the right to elect elders as to it may seem best.

Judicial Case No. 1. Known as the Case of the Church of the Covenant, Williamsport, Pa.

The Commission finds that the action of the Presbytery of Northumberland, taken at its meeting held June 10, 1901, upon the Report of a Committee appointed to consider the condition of the affairs of the Church of the Covenant, of Williamsport, was a faithful endeavor on its part to carry out the spirit of the decision of the General Assembly of 1900 in certain Appeals which came before said Assembly involving the same parties and practically the same questions; but that in its action said Presbytery transgressed its Constitutional limitations in assuming to dictate to the congregation of the said Church of the Covenant the manner in which a new Board of Elders should be elected, and who should be elected to the office of ruling elder in said church. All proceedings under said action of Presbytery have been stayed, pending this Appeal.

This Commission finds further, that the plan adopted by the Presbytery of Northumberland, except as herein modified, will settle the questions vexing the church finally and equitably. The General Assembly, therefore, without sustaining either said Appeal or said Complaint otherwise, does

First, Direct the Synod of Pennsylvania to instruct the Presbytery of Northumberland to modify its action taken at the meeting held June 10, 1901, relating to the calling of a congregational meeting for the election of new elders for the Church of the Covenant at Williamsport, Pa., by striking out of said action all that part thereof relating to the manner of the election and the parties to be elected, leaving to the congregation its Constitutional right to elect such parties as to it may seem best.

Second, Vacate the stay of the proceedings under the said action of the Presbytery of Northumberland taken at said meeting on the 10th day of June, 1901, and direct the Synod of Pennsylvania to instruct the Presbytery of Northumberland to call a congregational meeting of said Church of the Covenant of Williamsport, Pa., to elect new elders for said church in accordance with the resolution of said Presbytery adopted June 10, 1901, as above modified, which new elders, when elected, shall be the Session of said Church of the Covenant and shall supersede all those now claiming to be elders in said church; and further, to instruct said Presbytery to carry into effect the action taken by said Presbytery on June 10, 1901, except as now modified.—1902, p. 152.

17. Qualifications and functions of a deacon and of a deaconess.

[NOTE.—Are the qualifications and functions of a deacon and of a deaconess parallel? For answer see this *Digest*, Form of Government, Chap. xiii, Sec. ix, p. 400. See same page for the distinction which should be noted as existing between (1) the office of deacon when held by a woman, see Form of Government, Chap. xiii, Sec. ii; (2) of deaconess when elected by a particular church under the provision of Form of Government, Chap. xiii, Sec. ix; (3) of deaconess when the woman in question is a graduate of an approved training school, and has been inducted into said office by a Presbytery. For method of induction into this last described office of deaconess, see this *Digest*, p. 401. Women elected deacons under the provision of Form of Government, Chap. xiii, Sec. ii, are to be ordained as provided in Form of Government, Chap. xiii, Secs. iii, iv, v. Women elected deaconesses under the provision of Form of Government, Chap. xiii, Sec. ix, "may be set apart by prayer." They are not to be ordained.]

III. When any persons shall have been elected to either of these offices, and shall have declared his (her) willingness to accept hereof, he (she) shall be set apart in the following manner:

IV. After sermon, the minister shall state, in a concise manner, the warrant and nature of the office of ruling elder or deacon, together with the character proper to be sustained, and the duties to be fulfilled by the officer elect; having done this, he shall propose to the candidate, in the presence of the congregation, the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testament to be the Word of God, the only infallible rule of faith and practice?
2. Do you sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures?
3. Do you approve of the government and discipline of the Presbyterian Church in these United States?
4. Do you accept the office of ruling elder (or deacon as the case may be) in this congregation, and promise faithfully to perform all the duties thereof?
5. Do you promise to study the peace, unity, and purity of the Church?

The elder, or deacon elect, having answered these questions in the affirmative, the minister shall address to the members of the church the following questions, viz.:

Do you, the members of this church, acknowledge and receive this brother (sister) as a ruling elder (or deacon), and do you promise to yield him (her) all that honor, encouragement and obedience in the Lord, to which his (her) office, according to the Word of God, and the Constitution of this Church, entitles him (her)?

The members of the church having answered this question in the affirmative, by holding up their right hands, the minister shall proceed to set apart the candidate, by prayer, to the office of ruling elder (or deacon, as the case may be), and shall give to him (her) and to the congregation an exhortation suited to the occasion.

V. Where there is an existing session, it is proper that the members of that body, at the close of the service, and in the face of the congregation, take the newly ordained elder by the hand, saying in words to this purpose,—"We give you the right hand of fellowship, to take part of this office with us."

1. Mode of ordination. Laying on of hands approved.

a. Our Form of Government, Chap. xiii, Sec. iv., declares that such, whether elder or deacon, shall be set apart to their respective offices by prayer. The imposition of hands, however, we are aware, in many of our churches is practiced; and as it is plainly in accordance with apostolic example, it is the opinion of the Assembly that it is proper and lawful. We conceive that every church in this respect may with propriety be left to adopt either of these two modes as they think suitable and best.—1833, p. 405.

b. An *Overture* from the Presbytery of South Alabama on the subject of ordaining elders and deacons by the imposition of hands. The Committee recommended that it be left to the discretion of each church Session to determine the mode of ordination in this respect, which was adopted. —1842, p. 16, O. S.

c. The Session of the Mount Bethany Church, having been censured by the Presbytery of Memphis for ordaining deacons with the laying on of hands, memorialized the Assembly "to determine whether in the ordination of elders and deacons it is unconstitutional or otherwise improper to use the rite of laying on of hands by the existing eldership."

Resolved, That the Session of Mount Bethany Church be referred to the *Minutes* of the Assembly of 1842 for an answer to said Overture.—1851, pp. 12, 35, 172, and 1852, p. 227, O. S.

2. Ordination essential to the validity of the judicial acts of an elder.

The Committee on Church Polity reported two questions, with the recommendation that they be answered in the negative:

1. Is an elder-elect a member of the Session, and competent to sit in a judicial case before he has been ordained according to the Form of Government?
2. Would a decision in a case of discipline, made by a Session whose members have never been ordained according to the Form of Government, Chap. xiii, be a valid and lawful decision and binding upon the accused?—1868, p. 58, N. S.

3. Irregularity in mode of election does not invalidate ordination.

Your Committee are of opinion that the mode of electing elders in the congregation of Wheatland for a term of years was irregular, and ought in future to be abandoned, but cannot invalidate the ordination of persons thus elected and ordained to the office of ruling elder.—1835, p. 471.

[NOTE.—See *Minutes*, 1867, p. 320, O. S.]

4. May a minister serving in bounds of another Presbytery ordain and install elders in church served by him?

Overture No. 63, from Santa Barbara Presbytery, asking whether a minister serving within the bounds of another Presbytery than his own, by consent of both Presbyteries, can legally ordain and install elders in the church which he is serving. The Committee would reply in the affirmative, emphasizing the phrase, "by consent of both Presbyteries."—1916, p. 244.

5. Ordination of a ruling elder not invalidated by failure to read the Confession.

Overture No. 67, from the Presbytery of New Albany, as to ruling elders and the Confession of Faith.

"Does the failure of a candidate for ordination to the office of ruling elder to read the Confession of Faith invalidate his ordination, although the candidate may answer the second question, 'Do you sincerely receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the Holy Scriptures' in the affirmative?"

It is recommended that the following answer be made: The minister ought to see to it that the candidate for ordination as elder has sufficient knowledge of the Confession of Faith to answer the question referred to intelligently before he is ordained; yet if a man has been ordained as an elder who has not such sufficient knowledge, this fact does not invalidate his ordination. However, such elder should be required to read and study the Confession.—1905, p. 206.

6. Ordination of Presbyterian elder by minister of another denomination invalid.

Overture No. 262, from the Presbytery of Buffalo, asking the Assembly to answer the questions: "(1) Can a regularly ordained Baptist minister, who was serving a Presbyterian Church in the capacity of a stated supply, ordain a Presbyterian elder? (2) And what is the ecclesiastical standing of a person so ordained?"

We recommend that the following answer be given: (1) A Baptist minister cannot ordain a Presbyterian elder. (2) The ecclesiastical standing of a person so ordained is that of "elder-elect."—1911, p. 217.

7. Installation required on resuming the office.

When a ruling elder in the Presbyterian Church, by removal or otherwise, terminates his connection with the Session by whom he was ordained, does he require installation before he can regularly exercise again the office in the same church or in any other one? Answered in the affirmative.—1849, p. 265, O. S. Confirmed.—1878, p. 71.

An *Overture* from the Presbytery of Erie, asking whether the answer of the General Assembly of 1849 in relation to the installation of ruling elders who have removed from one church to another has a retrospective or only a prospective bearing.

The Committee recommended the following answer to the question: That it has a prospective bearing.—1850, p. 454, O. S.

[NOTE.—See under Sec. viii, No. 2, p. 396.]

8. An elder who has removed or resigned, if reëlected, must be again installed.

Question: "Whether a ruling elder, who has terminated his connection with the Session, by removal to another church or by resignation, should be reinstalled before he can regularly exercise the duties of his office in the same or another church?"

The Committee recommend that the answer of the O. S. Assembly of 1849 to the same general question, be reënacted by this Assembly as the answer to this Overture.—1880, p. 46. (See 7, above.)

[NOTE.—The above is declared not to be retroactive. See under Sec. viii, p. 396; *Minutes*, 1880, p. 84.]

9. Mode of installation of an elder already ordained.

1. *Resolved*, That any elder regularly ordained and installed in one church and subsequently elected to the same office in another church, and who has heretofore, pursuant to such election, served as an elder in such church without objection, shall be presumed to have been duly installed therein, and his right to act shall not now be questioned.

2. *Resolved*, That when an elder shall hereafter be elected to the same office in a church other than that in which he has been ordained and installed, the minister and Session are hereby enjoined formally to install him.

3. *Resolved*, That this Assembly hereby declare that the existing law of the Church as to the mode of such installation is as follows, viz.: After sermon the minister shall speak of the office and duties of ruling elders as in case of ordinations, and shall then propose to the elder-elect in the presence of the congregation the following questions: Do you sincerely receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the Holy Scriptures? Do you accept the office of ruling elder in this congregation, and promise faithfully to perform all the duties thereof? Do you promise to study the peace and unity and purity of the Church? The elder-elect having answered these questions in the affirmative, the minister shall ask the members of the church whether they accept him, as in case of ordination. The members of the church having answered in the affirmative by holding up their right hands, the minister shall declare him an elder of that church, and accompany this act by exhortation and such other proceedings as he may deem suitable and expedient.—1856, p. 539, O. S.

VI. The offices of ruling elder and deacon are both perpetual, and cannot be laid aside at pleasure. No person can be divested of either office but by deposition. Yet an elder or deacon may become, by age or infirmity, incapable of performing the duties of his office; or he may, though chargeable with neither heresy nor immorality, become unacceptable, in his official character, to a majority of the congregation to which he belongs. In either of these cases, he may, as often happens with respect to a minister, cease to be an acting elder or deacon.

[Note.—See this *Digest*, Form of Government, Chap. iii, Sec. ii, p. 80.]

1. Perpetuity of the office affirmed.

a. The Committee to whom was referred *Overture No. 1*, a communication from the Session of Wheatland congregation in reference to the appointment of Freeman Edson as a commissioner to this Assembly, beg leave to present the following Report:

Agreeable to the Constitution of our Church, the office of ruling elder is perpetual (see Form of Government, Chap. xiii, Sec. vi) and cannot be laid aside by the will of the individual called to that office, nor can any congregation form rules which would make it lawful for anyone to lay it aside. Your Committee are of opinion that the mode of electing elders in the congregation of Wheatland for a term of years was irregular and ought in future to be abandoned, but cannot invalidate the ordination of persons thus elected and ordained to the office of ruling elder. And *whereas*, it appears that Mr. Freeman Edson was once elected to the office of ruling elder in the church of Wheatland, and was regularly set apart to that office; whereas, there seems to be some material diversity of views between the Presbytery of Rochester and the church Session to which Mr. Edson once belonged as to the manner in which, and the principle on which, he ceased to be an acting elder in the said church, into which the Assembly have no opportunity at present of regularly examining; and whereas, the Presbytery, with a distinct knowledge, as is alleged, of all the circumstances attending this case, gave Mr. Edson a regular commission as a ruling elder to this General Assembly; therefore,

Resolved, That he retain his seat as a member of this Assembly.—1835, p. 471.

b. *Length of service left to the decision of the church.*

In defining its own action, the Assembly is not to be understood as deciding that in any case the actual service of the eldership should be either permanent or limited; but while the office is perpetual, the time of its exercise in each individual congregation may be left to the decision of the church itself, according to the mode approved and in use in such church.—1872, p. 75.

2. Restoration to church privileges does not restore to the eldership.

When an elder has been suspended from church privileges and again restored to the privileges of the church, is he also restored to his office as a ruling elder?

The two things are distinct; and since an elder as well as a minister may be suspended from his office and not from the communion of the church, so there may be reasons for continuing his suspension from his office after he is restored to the privileges of the church. He cannot be restored to the functions of his office without a special and express act of the Session for that purpose, with the acquiescence of the church.—1836, p. 263.

3. An elder without charge can sit in no church court.

Resolved, That no ruling elder who has retired from the active exercise of his office in the church to which he belongs can be admitted as a member of a Presbytery, Synod or General Assembly.—1835, p. 489.

[NOTE.—See below, under Sec. viii, p. 398, 9, for the case of those elders who are not reëlected under the provision for term service.]

4. To whom an elder or deacon should resign.

Overture No. 39, from the Presbytery of Arizona, inquiring to whom elders and deacons should present their resignations. Your Committee report, in accordance with the decision already given on this subject (see below, p. 393), that elders and deacons should present their resignations to the Session.—1901, p. 63.

VII. Whenever a ruling elder or deacon, from either of these causes, or from any other, not inferring crime, shall be incapable of serving the church to edification, the session shall take order on the subject, and state the fact, together with the reasons of it, on their records; *Provided always*, that nothing of this kind shall be done without the concurrence of the individual in question, unless by the advice of presbytery.

1. Elders who cannot acquiesce in the decisions of the superior courts of the Church should resign.

A *Petition* from the members of the Session of the Third Presbyterian Church in this city, asking advice of this Synod with respect to the execution of their office in consequence of the judgment of the Synod respecting that church. After it was duly considered, they returned the following answer, viz.: The Synod advise them to continue to act as elders, but in case they cannot, consistently with what they apprehend to be their duty, continue as such and act upon the decisions of Synod, that they may resign their office, and the congregation proceed to choose other elders who may have freedom to act according to the determinations of the Synod.—1772, p. 435.

2. Ruling elders may cease to act in order to promote the peace of the church.

a. The Assembly earnestly recommend to the Whole Session, including the majority and the minority, in view of the state of the Fifth Church, to take the Constitutional steps and cease from acting as ruling elders in that congregation, and that the entire church take immediate measures to elect a new bench of elders, with a view to promote the peace of the church and secure the permanent settlement of the Gospel ministry among them. And further, that it be recommended to the persons so elected not to accept the office unless they shall obtain the suffrages of at least two thirds of the electors participating in the election.—1834, p. 453.

b. *Resolved*, That this Assembly requests the Presbytery of Redstone to consider the expediency of recommending to said elders, in view of the dissension which the Assembly has been led to believe exists in said congregation, growing out of said action of the Presbytery, that said elders shall take the Constitutional steps and cease from acting as ruling elders in that congregation, and that the entire church take immediate measures to elect two elders in place of said retiring elders, with a view to promote the peace of the church; and of further recommending to the persons so elected not to accept the office unless they shall obtain the suffrages of at least two thirds of the electors participating in the election. —1893, p. 151.

[NOTE.—For Complaint of the Presbytery of Redstone *vs.* the Synod of Pennsylvania, see p. 393.]

3. The superior court directs an elder to cease to act.

With the consent of parties, the Complaint of Mr. William B. Guild against the Synod of New Jersey is sustained *pro forma*; but under existing circumstances in the congregation Mr. Guild shall cease to act as a ruling elder in the Third Church at Newark, N. J.—1863, p. 35, O. S.

[NOTE.—The Complaint was that the Synod had by a Committee visited the Third Church to see if any member of the Session was unacceptable to the people.]

4. The Presbytery, without the request of the Session or of members of the church, may declare that an elder shall cease to act.

Overture from the Session of the Presbyterian Church at Ironton, Mo., in reference to the power of the Presbytery to declare that a member of the Session shall cease to be an acting elder without any request from the Session or any members of the church.

The Committee would recommend the following answer (see Form of Government, Chap. x, Sec. viii [now vii]): Presbytery has power to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them, and to order whatever pertains to their spiritual welfare, without being requested by the Session.—1869, p. 924, O. S.

5. If a member of Session be unacceptable, and the matter cannot be arranged by consent, the proper step is to memorialize Presbytery.

Overture from two members of the General Assembly, with the inquiry: "Has a church Session the right to submit to their church members the acceptableness or nonacceptableness of the acting Board of ruling elders, or any portion of the Board, and to ask the church to settle the question by a vote of the members?"

In case of unacceptableness on the part of any member of a church Session, and the matter cannot be amicably arranged by consent of parties, the proper method of redress is by memorializing the Presbytery to give such direction as in its judgment the necessities of the case may require, under the provisions of the Form of Government, Chap. xiii.—1867, p. 369, O. S.

6. Power of Presbytery to relieve ruling elders from the exercise of their office.

Judicial Case. J. H. Heckathorn vs. The Presbytery of Lansing. For case in full, see G. A. Minutes, 1928, pp. 84–86.

The case of ruling elder J. H. Heckathorn, Mt. Hope Avenue Presbyterian Church, Lansing, Michigan. Said elder was removed from his office through judicial process by his Session. From this decision, he appealed to the Presbytery, but the Presbytery confirmed the action of the Session. The said elder then appealed to the Synod, and the Synod reversed the decision of the Presbytery and of the Session, and remanded the case back to the Presbytery for proper action on the ground, (1) That the prosecutor was permitted to sit as a member of the judicatory and to vote on the question at issue, and (2) That the Presbytery rested its decision upon a clause in the Constitution that was not applicable to the case. (See Form of Government, Ch. xiii, Sec. vii.) The Synod gave further instruction that careful attention be given to deliverances of former Assemblies, as follows: "If a member of the Session be unacceptable, and the matter cannot be arranged by mutual consent, the proper step is to memorialize the Presbytery." 1867, p. 369; "When the exigency of the case may require, the Presbytery may declare that the elder shall cease to act." 1869, p. 924; "Presbytery can relieve ruling elders from the exercise of their office in a congregation, purely as an administrative act." 1909, p. 195.

Conforming to this decision and counsel of the Synod, the Session of Mt. Hope Avenue Church memorialized the Presbytery, and the Presbytery, being fully persuaded of the continued unhappy and unprofitable condition in the Mt. Hope Avenue Church due to the presence and hostile actions of the aforesaid elder, ordered him removed from his office, and that he should cease acting as an elder from that date, and rested the sufficient warrant for said action on the deliverances of the General Assemblies above quoted.

Whereupon, the Permanent Judicial Commission of the General Assembly, considering the whole case, found this latter procedure in order, confirmed the decision of the Presbytery last rendered, and dismissed the appeal.—1928, pp. 84–86.

7. Resignation of an elder or deacon to be tendered to the Session, and to take effect when accepted.

Overture from the Presbytery of Troy, asking, "To whom shall a ruling elder or a deacon offer his resignation when desiring to retire from active service, and what Constitutional steps are necessary to complete the act?"

The Committee recommend the following answer: The resignation should be to the Session; and it will take effect when accepted.—1883, p. 626.

8. The removal of suspension restores all rights and privileges to an elder.

The Judicial Committee presented a Report on a *Complaint* of the Presbytery of Redstone against the exception of the Synod of Pennsylvania to the Records of said Presbytery in the cases of J. M. Crawford and A. D. Boughner, elders.

The Report was adopted, and is as follows:

The Judicial Committee has had referred to it a Complaint of certain members of the Synod of Pennsylvania against the action of the Synod in taking exceptions to the Minutes of the Presbytery of Redstone while in session in Washington, Pa., October 20–24, 1892. From an examination of said Complaint, and of a certified copy of the Minutes of Presbytery showing the action of the Presbytery to which the Synod took exceptions, the following facts appear:

On the 13th day of March, 1891, after a judicial trial by the Presbytery of Redstone, J. M. Crawford and A. D. Boughner, ruling elders in the congregation of Greensborough, were "suspended from office only." On the 10th day of November following, while in session at West Newton, the Presbytery, after due consideration of the matter, removed the suspension, and restored them "to their office only." Afterwards, at the same meeting of Presbytery, an additional resolution was adopted, restoring said elders to the active discharge of their duties as ruling elders in said congregation at Greensborough. To this action of the Presbytery the Synod took exception in the following language:

"The Presbytery, having suspended these elders 'from office only,' had the power in due time and in due form to restore them to office. But it was for the communicants of the congregation to say whether they should be reinstated in the full exercise of the office in that particular church."

Your Committee, having considered the Record of said case, and the Papers submitted to it, and having also examined the Book of Discipline and the decisions of the General Assembly, are of the opinion:

1. That the judgment of the Presbytery suspending said elders from office only, and not from the privileges of the church, did not in any sense terminate finally the relation of said elders to said congregation.

2. That the removal of said suspension restored said elders to all of their rights and privileges (which had been temporarily *suspended only*), including the right to exercise the functions of active ruling elders in said congregation of Greensborough; and that, therefore, the second resolution of the Presbytery was mere surplusage, and cannot be complained of except upon that ground.

Your Committee, therefore, recommends the adoption of the following resolution:

Resolved, That said Complaint be remanded to the Synod of Pennsylvania, with instructions to record in its Minutes a copy of this Report.—1893, p. 151.

9. When an elder resigns, the Presbytery is not competent to order his restoration.

Dr. S. F. Day, declining to have his children baptized, his wife being a Baptist, the Session of Wooster Church, in which he was an elder, was advised by the Presbytery that in such a case (proposed *in thesi*) the elder should be removed from office. Hereupon Dr. Day gave notice to the Session that he resigned the eldership. At a subsequent meeting of Presbytery, upon a Memorial from Dr. Day, the Presbytery reconsidered its action, and ordered the Session to restore him. Upon Appeal the Synod sustained the Presbytery. A Complaint was taken up by the pastor, the Rev. James H. Baird, and by the Session. The following was the decision:

Whereas, It appears from the Record that Dr. Day was removed from the Session of the Church of Wooster by his own resignation of his office in that church, and not by the judicial action of the Session, it was not competent to the Presbytery to order his restoration to office by the Session; and therefore the judgment of the Synod of Ohio confirming such action of the Presbytery was erroneous and ought to be and is hereby reversed, and the Complaint of the Session, so far as it relates to this point, is sustained.—1854, p. 33, O. S.

[NOTE.—See above, Chap. ix, Sec. ii, p. 103, for a case where an elder refuses to act, and has left the church.—1869, p. 912, O. S.]

10. The official relations of an elder to his church terminate with his dismission.

The Presbytery of Iowa City desire the Assembly "to determine when the rights and privileges of ruling elders and private members cease, on their receiving letters of dismission; and whether the same rule obtains as in the dismission of ministers from a Presbytery."

The Assembly reply:

The established rule of the Presbyterian Church in relation to the dismission of a minister from his Presbytery is "that in all ordinary cases all the rights and privileges of an individual in a Presbytery cease when at his request his dismission is granted."

He may, however, within any reasonable time before he has used his letter of dismission, return it to the Presbytery, and then claim all his former rights and privileges; but until he has used his letter he is amenable to the Presbytery which has dismissed him.

Your Committee have not been able to find any specific rule in our Form of Government or in the *Digest* in relation to the dismission of ruling elders or of private members from any particular church, indicating the precise time when their rights and privileges in that church from which, at their own request, they may be dismissed cease; but we have no hesitation in declaring our belief that the same guardian care which is extended over dismissed members is, by the very genius and intent of our excellent Form of Government, designed also for the protection of regularly dismissed elders and private members, as well as for the preservation of the peace and purity of the Church.

We therefore respectfully recommend to this Assembly the adoption of the following resolutions: That,

1. The dismission of a ruling elder by letter from a church terminates his official relations with that church.

2. A letter of dismission, whether issued to a ruling elder or private member, terminates the relations of the person dismissed with the church giving the letter, except so far as said church is responsible for its watch and care over him during the period of transition.

3. These rights and privileges can be regained in that church by returning the letters of dismission to the authority which gave them.

4. These rights and privileges can be secured in any other church with the jurisdiction of this General Assembly, by virtue of such certificates, provided they are presented to the Session thereof within one year from their date; and until they are presented such persons are amenable to the church from which the certificate was received.—1867, p. 517, N. S.

[NOTE.—The "rights and privileges" referred to in No. 4 are those of membership only. See this *Digest*, Book of Discipline, Chap. xi, Sec. 109, "Should he return the certificate within a year from its date, the Session shall make Record of the fact, but he shall not thereby be restored to the exercise of the functions of any office previously held by him in that church." See below, Form of Government, Chap. xxii, in this *Digest*.]

VIII. If any particular church, by a vote of members in full communion, shall prefer to elect ruling elders or deacons for a limited time in the exercise of their functions, this may be done; *provided*, the full time be not less than three years, and the session or board of deacons be made to consist of three classes, one of which only shall be elected each year; and *provided*, that elders, once ordained, shall not be divested of the office when they are not reëlected, but shall be entitled to represent that particular church in the higher judicatories, when appointed by the session or the presbytery.—

[NOTE.—Sec. viii as adopted in 1875, *Minutes*, p. 521, had reference to elders only. In 1885 (*Minutes*, p. 689), request was made by the Presbyteries of Washington City, Cleveland and Denver asking for term service for deacons. The section was therefore amended (*Minutes*, 1886, p. 108) to read as above.]

1. Elders not reëlected on the adoption of term service cease to be acting elders in that particular church.

Overture from the Presbyteries of Wooster and Blairsville. As to the position of existing Sessions in church which adopt the system of election of elders for a limited time, as provided for in Sec. viii, Chap. xiii, Form of Government, your Committee recommend this answer: A Constitutional rule must have power to effect whatever is necessary for its practical operation. So soon, therefore, as any particular church, under this new provision of the Constitution, shall determine, by a vote of its members, in full communion, to elect ruling elders for a limited time, and they shall be elected and set apart to their office, elders in office by virtue of an earlier appointment cease to be acting elders in that particular church—otherwise the Session would not consist of three classes, as in such cases required.—1876, p. 74.

2. When reëlected, should be reinstalled.

a. From the Broadway Presbyterian Church of Rock Island, inquiring whether rotary elders, where reëlected, shall be reinstalled.

Answered in the affirmative.—1878, p. 71.

b. A Petition asking: Is the reinstallation of elders reëlected on expiration of their term of service, essential to the continued exercise of their office in that church, so that, unless reinstalled, they cease to be members of the Session?

The Committee recommend that your petitioner be referred to the action of the Assembly of 1878, *Minutes*, p. 71 (see **a** above).—1880, p. 47.

c. *Overture 61*, from the Presbytery of Gunnison, concerning the reinstallation of elders and deacons reëlected. We recommend that the following answer be given: Elders and deacons when reëlected after the expiration of their term of office, be reinstalled as per the Book of Order.—1924, p. 161.

3. The above not retroactive, and does not invalidate the action of the Session.

The following resolution, relative to the reinstallation of elders, was adopted:

Resolved, That the action of this Assembly on *Overtures Nos. 11* and *18*, reported on by the Committee on the Polity of the Church, in reference to the reinstallation of elders, is not intended to be retroactive, or in any way to affect the validity of the action of Sessions in which elders, regularly elected but not reinstalled, may have sat as members.—1880, p. 84.

[Note.—For action on *Overtures Nos. 11* and *18*, see above, p. 388, 389. In both it is affirmed that an elder who has removed or resigned, or whose term of service has expired, must on reëlection be reinstalled.]

4. Reinstallation of a reëlected elder not essential to the validity of his office, but is more orderly.

a. *Overture* from the Presbytery of Rochester, asking the Assembly to allow congregations to reinstall reëlected ruling elders or not, according to their usage and discretion.

The Committee, referring to the action of the last Assembly, on the same subject (*Minutes*, 1880, pp. 47, 84), recommend the following answer: While it is not essential to the validity of his office that a ruling elder, reëlected in a church where the limited term service prevails, be reinstalled, it is nevertheless more orderly, that the fact of his reëlection be recognized by his reinstallation or in some way equivalent thereto.—1881, p. 591.

b. *Overture* from the Central Church of Southeast, Presbytery of Westchester, asking for an interpretation of the instructions of the last Assembly regarding the reinstallation of reëlected elders. Your Committee recommend the following answer to be given by the Assembly: It was the evident intention of the last Assembly to recommend the reinstallation of elders when reëlected; and, to make its intention more definite, the Assembly hereby strikes out of the previous action the phrase, "or in some way equivalent thereto," and adopts it as its answer to their Overture.—1882, p. 98.

5. One or two elders may be elected under Sec. viii.

Overture from the Presbytery of Southern Dakota, concerning the construction to be placed upon Chap. xiii, Sec. viii, of the Form of Government, relating to the election of elders for a limited term: whether, in Home Missionary churches, one or two elders can be elected for a limited term.

The Committee recommend the following answer: When from necessity there can be but one elder, for the time being, he may be elected for three years, as provided in Chap. xiii, Sec. viii, and reëlected at the end of that term; and the division into classes as provided in that Section should take place as the Session can be increased in number.—1883, p. 626.

6. In introducing term service, one or more classes may be elected for less than three years.

In the first organization of Home Missionary churches, when from necessity there can be but two elders, how may the provisions of Form of Government, Chap. xiii, Sec. viii, be reconciled with the decision of the Assembly of 1884 (*Digest*, 1886, p. 548, 8) that "the provision of this Section cannot be carried out should the elder be elected for a longer or shorter term than three years."

Also a Paper from certain members of the Presbytery of Chicago, asking substantially the same question.

Your Committee would reply by referring to the principle laid down by the Assembly of 1876, p. 74 (*Digest*, 1886, p. 547, 2), viz.: "A Constitutional rule must have power to effect whatever is necessary for its practical operation." In the judgment of your Committee, if, in introducing the system of term service, it is found necessary to elect one or more classes for less than three years, so as ultimately to make the classes three, and the term of service three years, it is lawful to do so, in accordance with the principle stated above.—1891, p. 106. (See p. 396.)

7. Deliverance as to ineligibility for reëlection for one year of elders, deacons, and trustees.

1. *Overture No. 43*, from Columbus Presbytery, asking the Assembly for a deliverance on the question as to whether it is within the power of a congregation to establish a rule, whereby elders, deacons, and trustees, serving under the rotary system and having served full terms of three years each, are made ineligible for reëlection for a period of one year.

Your Committee recommends that the Assembly answer this question affirmatively. Every congregation has the power to make such a rule.—1919, p. 267.

8. The term must be three years and the classes three.

Overture from the Presbytery of Erie, asking the following questions:

1. Is a Presbytery right in confirming the action of congregations which elect ruling elders for terms of four and five years?

2. Must the term of service of elders be only three years?

The Committee recommends the following answer: The Form of Government, Chap. xiii, Sec. viii, provides that ruling elders may be elected for "a limited time in the exercise of their functions . . . *provided*, the full time be not less than three years and the session . . . be made to consist of three classes, one of which only shall be elected every year." The provisions of this section cannot be carried out should the elders be elected for a longer or shorter term than three years.—1884, p. 114.

[Note.—See No. 6, above; *Minutes*, 1891, p. 106.]

9. Elders not reëlected under this section may be delegated to the superior judicatories.

Overture from the Presbytery of Newton, with regard to the interpretation of the Constitutional rule, Chap. xiii, Sec. viii. In the judgment of this Committee, this rule contemplates that the elders referred to, by due appointment of the Session or Presbytery, may become members of any of the courts of the Church above the Session.—1876, p. 74.

[See above for the case of non-rotated elders, p. 391.]

10. May a church be served by rotary and life elders at the same time? What is the status of an elder emeritus?

Overture No. 265, from the Presbytery of Kansas City, asking an answer to certain questions concerning elders and deacons, as follows:

"*Whereas*, Upon the adoption of the rotary system or at the expiration of terms thereunder, some congregations desire to honor certain officers by retaining them in life positions or with the title 'emeritus,' the General Assembly is asked:

"1. Is it possible for a church to have certain of its elders or deacons serving on the life system and others on the rotary system?

"2. What are the duties and privileges of an elder 'emeritus,' or that may be assigned to him?

"3. In the Statistical Reports to the General Assembly, is an officer 'emeritus' to be included in the number of officers reported?"

As to question one (1) we recommend that it be answered in the negative. As to questions two (2) and three (3) we recommend that the answer be that the position of elder "emeritus" is unknown to our Form of Government.—1911, p. 218.

11. Judicial decision as to rights of congregation in choosing elders.

This is an *Appeal* by the Presbytery of New Castle from the action of the Synod of Baltimore on October 26, 1921, directing the Presbytery to call a meeting of the congregation of the Presbyterian Church of Elkton, Md., for the purpose of electing elders, as the church may wish, and for the transaction of any other business that may legitimately come before the congregation. This action by the Synod was taken upon complaint of the congregation concerning the course pursued by the Presbytery of New Castle and its Committee, after the General Assembly of 1921 had directed the Presbytery within thirty days to call a meeting of the members of the Elkton church for the purpose of taking all measures necessary to bring about the peace and harmony of the church.—*Minutes*, 1921, p. 142.

The Committee of the Presbytery procured a meeting of the congregation on July 17, 1921. The Committee through the moderator informed the congregation that it would be permitted to elect three additional elders who would serve at least one year together with the three existing elders who declined to coöperate with the large majority of the congregation and who were not acceptable to them. The moderator ruled out of order a motion to elect four new elders and to adopt the system of limited terms, or rotary system, for elders. The purpose of the Committee was to provide for government of the congregation by six elders of whom three should represent each faction, for at least one year, and that within that time the rotary system should not be adopted. This plan was rejected by the congregation by a vote of 98 to 3, and no further steps have been taken effectively to restore peace and harmony.

The Synod of Baltimore, at the hearing before the Commission, moved to dismiss this Appeal by the Presbytery as involving questions that do not affect the doctrine or Constitution of the church as is necessary to our jurisdiction under Chap. xi, Sec. iv, of the Form of Government; but the Judicial Commission is of the opinion that there is involved in this Appeal the Constitutional right of a congregation to elect its own elders, to prescribe the number to be elected and their terms of office, without dictation by the Presbytery, and, therefore, we have declined to sustain the motion to dismiss the Appeal.

The Presbytery of New Castle having decided to stand by the action of the Committee and failing to take further steps toward peace and harmony, the Synod undertook, upon complaint of the congregation to exercise its powers in such cases under Chap. xi, Sec. iv, of the Form of Government.

The Judicial Commission is of the opinion that the congregation was within its rights in declining to accept conditions sought to be imposed upon it in adopting the rotary system or in choosing its elders, both as to number and personnel. These are among the powers belonging alone to the congregation. Form of Government, Chap. xiii, Sec. viii; Chap. v; Case of the Church of the Covenant, *Minutes* G. A., 1902, p. 152; Supplement to *Digest*, 1907, p. 1067.

The dismissal of this Appeal will leave in full force and effect the action of the Synod appealed from and will leave the congregation of the Elkton Presbyterian Church free to adopt the rotary system to choose elders and take all other steps within the power of a congregation under our Form of Government, toward bringing about peace and harmony in the Church.

It is therefore the judgment of the Permanent Judicial Commission that the said Appeal of the Presbytery of New Castle be, and the same is, dismissed.—1922, p. 225.

IX. Deaconesses may be elected to office in a manner similar to that appointed for deacons, and set apart by prayer. They shall be under the supervision of the session, and their duties shall be indicated by that body.

[Note.—For deliverances of the Church during the period in which the office of deaconess was not recognized, see *Digest* of 1907, p. 532.

1. Qualifications and functions of a deacon; and of a deaconess who is a graduate of an approved training school and has been inducted into said office by a Presbytery.

[Note.—The office of deaconess here referred to is to be clearly differentiated from the office of deaconess established under Form of Government, Chap. xiii, Sec. ix, and also from the office of deacon, to which office women were made eligible by the amendment to Form of Government, Chap. xiii, Sec. ii, adopted in 1922.]

Your Judicial Committee understands the actual question referred to it to be as follows:

"Are the qualifications and functions of a deacon and of a deaconess parallel?"

I. How do we define a deacon?

(1) He must be a person elected to that office by a congregation in a definitely prescribed manner, who has been solemnly ordained by prayer

and, in most cases, by the laying on of hands, and as definitely installed for service in the congregation electing.

(2) In service his ministrations include both the care of the poor and, at the will of the congregation, the management "of the temporal affairs of the church," subject to the general supervision of the Session.

He is thus both an administrator and eleemosynary officer of the congregation electing him, and of, or for, no other congregation. As such officer, within said congregation, he is subject to the same rules as apply to ruling elders, as to ordination, installation, resignation, deposition, removal, dismissal, return, ceasing to act, effect of suspension and restoration.

II. What, among us, is a deaconess?

(1) She is not an elected officer of an individual congregation, but is a self-chosen candidate, set apart with prayer by the Church at large for a definite service in any congregation by which she may be employed, though without ordination.

(2) Her service includes such benevolent and educational ministry as may be assigned her by the pastor or Session or mission, wherein for a period she is engaged to serve. She does not cease to be an active deaconess whenever her present engagement terminates.

III. Opinion.

(1) It is evident, therefore, that, paradoxical as the expression may appear, a "deaconess" is not a "female deacon," the apparent similarity being rather in the choice of similar terms whereby to designate variant offices. This becomes the more evident when it is remembered that in effect a "deaconess" is actually an assistant pastor and educator, and not primarily an administrator of benevolent or congregational funds.

(2) In the matter in hand, it is the judgment of the Committee that, should the Assembly desire to include inquiry concerning the will of the Church on the matter of women serving in office similar to that of the deacons, the Overture to the Presbyteries should include the phrase, "so as to admit properly qualified and elected women to ordination as ruling elders or as deacons, with all the rights and duties pertaining to these respective offices."

(3) The practical result of such a change in our Form of Government being a natural confusion in our use of the term "deaconess," it is recommended that, should said change in our Form of Government be made, thereafter the term "deaconess" shall be reserved to designate as at present, a woman properly prepared and set apart by prayer for the duties of a pastor's assistant in the broadest sense; but that a woman elected to serve on the Board of Deacons shall be designated merely as "A Member of the Board of Deacons of .... Church."—1920, p. 139.

2. Method of induction of deaconesses into office.

[NOTE.—The method of induction of deaconesses into office is provided for those only who have completed a course of study in an approved training school. It is not to be used for deaconesses elected under the provision of Form of Government, Chap. xiii, Sec. ix.]

Overture 112 from the Presbytery of Philadelphia asking that a method for the induction of deaconesses into office suggested by that Presbytery shall be approved by the Assembly. The answer to this Overture recommended by the Committee is that the form of service suggested be commended as a fit and worthy method to be used by any Presbytery desiring to use it in a service setting apart deaconesses to their work.—1922, p. 200.

The Overture is as follows:

"In view of the fact that the General Assembly has officially recognized the office of deaconess and also declared the candidate for that office must be properly prepared and set apart with prayer by the Church at large but has prescribed no method whereby the setting apart should be done, feeling that the confusion now attaching to this matter should be cleared up and some orderly Constitutional proceeding should be prescribed, the Presbytery of Philadelphia desires (1) To report to the Assembly that, pending such action of the Assembly, it has adopted for its own guidance the following order: A Presbyterian candidate upon completing her course of study in an approved training school shall present to Presbytery's Committee on Credentials (*a*) A certificate from the school of her proper preparation and academic good standing. (*b*) A certificate from the church to which she belongs and that she has been a member of the Presbyterian Church for at least one year. The Committee shall satisfy itself of the fitness and preparation of each candidate. When brought before the Presbytery with a favorable recommendation of the Committee, the Presbytery having, if it deems desirable, further satisfied itself, shall proceed to set the candidates apart in the following way: The moderator shall propose to each candidate the following questions: (1) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice? (2) Do you sincerely receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the Holy Scriptures? (3) Do you approve of the government and discipline of the Presbyterian Church in these United States? (4) Have you been induced, as far as you know your own heart, to seek the office of deaconess from love of God and a sincere desire to promote his glory in the Gospel of his Son? (5) Do you promise faithfully to perform all the duties of a deaconess, to study the peace, unity and purity of the church where you may be employed and to submit to the government of its Session? The candidates, having answered these questions in the affirmative, the moderator of Presbytery shall thereupon set them apart to the service and office of deaconess by prayer. Any candidate who is a member of a Church belonging to another Presbytery must secure from the Session of such church a written request asking this Presbytery to perform for her this office."

3. Systematic training of women workers commended.

Resolved, That this General Assembly recognizes the imperative need for a more systematic training of women workers, which shall adapt them to the opening spheres of work at home and abroad, and earnestly recommends to the Synods and Presbyteries, the establishment, as opportunity offers, of institutions and training homes for the instruction and training of godly women, duly recommended by Sessions and Presbyteries for practical Christian work.—1892, p. 170.

CHAPTER XIV.

OF LICENSING CANDIDATES OR PROBATIONERS TO PREACH THE GOSPEL.

I. The Holy Scriptures require that some trial be previously had to them who are to be ordained to the ministry of the gospel, that this sacred office may not be degraded, by being committed to weak or unworthy men; and that the churches may have an opportunity to form a better judgment respecting the talents of those by whom they are to be instructed and governed. For this purpose presbyteries shall license probationers to preach the gospel, that, after a competent trial of their talents, and receiving from the churches a good report, they may, in due time, ordain them to the sacred office.

1. Preaching without licensure condemned as irregular.

a. Upon information that David Evan, a lay person, had taken upon him publicly to teach or preach among the Welsh in the Great Valley, Chester County, it was unanimously agreed that the said Evan had done very ill and acted irregularly in thus invading the work of the ministry, and was thereupon censured.

Agreed that the most proper method for advancing David Evan in necessary literature to prepare him for the work of the ministry is that he lay aside all other business for a twelvemonth, and apply himself closely to learning and study under direction of Mr. Andrews, and with the assistance of Mr. Wilson and Anderson, and that it be left to the discretion of the said ministers when to put said Evan on trials, and license him publicly to teach or preach.—1710, p. 17.

b. The Assembly disapproves the conduct of Mr. McCalla in preaching the Gospel before he was regularly licensed.—1821, p. 21.

2. On the licensing and ordaining of women to preach the Gospel.

a. *Overture No. 39*, from the Presbytery of Brooklyn, requesting the Assembly to adopt and transmit to the Presbyteries for their approval such rules as shall forbid the licensing and ordaining of women to the Gospel ministry, and the teaching and preaching of women in our pulpits, or in the public and promiscuous meetings of the Church of Christ.

The Committee recommend this answer: That there is no necessity for a change in the Constitution of the Church touching this question; and the memorialists are referred to the deliverance of the Assembly of 1832, which expresses the judgment of this Assembly.—1872, p. 89.

b. The deliverance referred to is as follows, viz.:

Meetings of pious women by themselves for conversation and prayer, whenever they can conveniently be held, we entirely approve. But let not the inspired prohibitions of the great apostle of the Gentiles, as found in his Epistles to the Corinthians and to Timothy, be violated. To teach and exhort or to lead in prayer, in public and promiscuous assemblies, is clearly forbidden to women in the holy oracles.—Pastoral Letter, 1832, p. 378.

3. Women may not fulfill the offices of public preachers.

a. "In sustaining the Presbytery of Newark as against the *Appeal* of the Rev. I. M. See, the Synod holds that the passages of Scripture referred to in the action of Presbytery do prohibit the fulfilling by women of the offices of public preachers in the regular assemblies of the Church." The Assembly reaffirm the language above quoted from the decision of the Synod as expressing their own opinion.—1878, pp. 102, 103.

b. *The above reaffirmed.*

The Presbytery of Baltimore asks this Assembly for such an expression as will indicate clearly what should govern Presbyterian churches concerning the occupation of our pulpits by women.

In reply your Committee would call attention to the judicial deliverance of the General Assembly of 1878, sustaining the Presbytery of Newark in holding, "That . . . . passages of Scripture prohibit the fulfilling by women of the offices of public preachers in the regular assemblies of the churches" (*Digest* of 1886, p. 549).

We recommend the reaffirmation of the above deliverance of the General Assembly as in perfect harmony with the Constitution of our Church. —1896, p. 148.

4. Inexpedient for women to be received as candidates for the ordained ministry.

Overture No. 362, from the Presbytery of Chemung, asking a definite deliverance upon the question of the acceptance of women by a Presbytery as candidates for the ministry. The following answer is recommended: That while the Assembly gives its hearty endorsement to the broad work now being carried on by the godly women of our Church, we deem it inexpedient to have a Presbytery receive under its care women as candidates for the ordained ministry.—1912, p. 167.

5. Authority lacking for licensure and ordination of women.

"There is no provision made [in the law of the Church] for the licensure and ordination of a woman to the work of the Gospel ministry." . . .

"There is no authority in the Holy Scriptures for the licensure and ordination of a woman to the work of the Gospel ministry."—1894, p. 23, C. P.

6. The Board of Christian Education.

[NOTE.—For Plan and Charter of the Board of Christian Education, see *Digest*, 1930, Vol. II, pp. 689–709.]

II. Every candidate for licensure shall be taken on trials by that presbytery to which he most naturally belongs; and he shall be considered as most naturally belonging to that presbytery within the bounds of which he has ordinarily resided. But in case any candidate should find it more convenient to put himself under the care of a presbytery at a distance from that to which he most naturally belongs, he may be received by the said presbytery on his producing testimonials, either from the presbytery within the bounds of which he has commonly resided, or from any two ministers of that Presbytery in good standing, of his exemplary piety and other requisite qualifications.

1. The usage under the Synod, prior to adoption of the Constitution.

In answer to the third query, the Synod judge that any student in divinity who professes a design to enter into the ministry has a right in our present situation to study for his improvement under the direction of any divine of reputation in the Synod, according to a former act; but that when he proposes to enter upon trials with a view to the ministry he shall come under the care of that Presbytery to which he most naturally belongs, and he shall be deemed most naturally to belong to that Presbytery in whose bounds he has been brought up and lived for the most part and where he is best known. But if another Presbytery desire that any student or students should come into their bounds, or if any such student or students, for greater conveniency, or from any circumstances that make it necessary, desire to enter upon trials in a different Presbytery, upon his offering satisfactory reasons he may be dismissed; but in either case the Presbytery to which he removes shall not receive nor admit him to come under trials upon his having a certificate as a regular church member only, but he shall bring a testimonial from the Presbytery or several neighboring ministers where he lived, recommending him as a candidate for the ministry of exemplary piety and holiness of conversation. Nor shall anything less be esteemed a sufficient recommendation. —1764, p. 337.

2. Licensure by bodies other than those within whose bounds the candidate expects to labor disapproved.

Though the Synod entertains a high regard for the associated churches of New England, yet we cannot but judge that students who go to them or to any other than our own Presbyteries to obtain license in order to return and officiate among us act very irregularly, and are not to be approved or employed by our Presbyteries, as hereby we are deprived of the right of trying and approving the qualifications of our own candidates; yet if any case may happen wherein such conduct may in some circumstances be thought necessary for the greater good of any congregation, it shall be laid before the Presbytery to which the congregation belongs and approved by them.—1764, p. 338.

[NOTE.—For action condemning the licensing of a candidate of one Presbytery by another without regular dismission, see this *Digest*, Form of Government, Chap. x, Sec. vii, p. 152, II, 1.]

3. Candidates should be placed under the care of Presbytery.

a. It is recommended to the Agencies and Committees to endeavor to have the young men aided by the Church, especially in their theological studies, placed under the care of Presbyteries, and that in all ordinary cases they be licensed by those Presbyteries to which they naturally belong. —1854, p. 507, N. S. Confirmed.—1894, p. 126.

b. It is recommended that the young men aided by the Assembly's Committee be ordinarily placed, as soon as possible, under the care of Presbyteries, and that in all ordinary cases they be licensed, if convenient, by the Presbyteries to which they naturally belong.—1856, p. 224, N. S.; 1894, p. 126.

c. *Resolved*, That candidates should be required to put themselves under the care of Presbytery as soon as possible, and receive careful supervision during their entire course, and that whatever arrangements the Presbyteries may deem expedient to facilitate their training, these arrangements should not be such as will tend to shorten the full term of study or induce an absence from their classes at either the opening or closing of the seminary sessions.—1857, p. 31, O. S.; 1894, p. 126.

[NOTE.—See also *Minutes*, 1864, p. 315, O. S.]

4. Deliverances of the Assemblies of 1894, 1895, 1896, and 1897 reaffirmed as to ministerial students.

The following was adopted:

Resolved, That the Executive Commission be directed by this Assembly to make diligent inquiry as to whether the Presbyteries are observing the deliverance of the Assembly of 1894, p. 125, interpreting former deliverances:

"That it is the duty of students, whether receiving aid from the Board of Education or not, to consult their Presbytery before changing their church relation or the school in which they are pursuing their studies; that it is the privilege of Presbytery to direct their education within reasonable limits, in schools approved by the General Assembly, and to prohibit their attendance at institutions of learning disapproved by the same;" also whether the deliverances of the Assembly of 1895, 1896 and 1897, on the same subject, are being observed by the Presbyteries, and to report to the next General Assembly.—1910, p. 273.

5. Instructions to the Presbytery of New York in the case of theological students pursuing studies in certain theological seminaries.

a. "The Presbytery of New York overtures the General Assembly to instruct it in its relation to its duty towards students applying to be taken under its care, who are pursuing or purpose to pursue their studies in theological seminaries respecting whose teaching the General Assembly disavows responsibility."

The Committee recommend that the following answer be given:

We recognize the general principle that a young man should stand on his merits, as revealed by examination, for entrance into the Presbyterian ministry, yet:

1. It is the genius of the whole Presbyterian system to educate its ministers through careful training and Presbyterial supervision, "and to make effectual provision that all who are admitted as teachers be sound in the faith." (Form of Government, Chap. i, Sec. v.)

2. Our book requires that "except in extraordinary cases," before licensure the candidate "shall have studied divinity at least two years under some approved divine or professor of theology" (Form of Government, Chap. xiv, Sec. vi).

3. The General Assembly of 1806 recommended every Presbytery under their care "to inspect the education of these youth (those preparing for the ministry), during the course of both their academic and theo-

logical studies, choosing for them such schools, seminaries and teachers as they may judge most proper and advantageous; so as eventually to bring them into the ministry well furnished for their work" (Baird's *Digest*, p. 398).

4. The General Assembly of 1894 affirmed, that it is the privilege of the Presbytery to direct "the education of their students within reasonable limits, in schools approved by the General Assembly, and to prohibit their attendance at institutions disapproved by the same" (*Minutes*, 1894, p. 125).

b. Therefore, inasmuch as obedience to the Constitution of the Church is obligatory on all Presbyteries, we recommend that, in accordance with the provisions of the Form of Government above cited, the Presbytery of New York be instructed and enjoined not to receive under its care for licensure, students who are pursuing or purpose to pursue their studies in theological seminaries respecting whose teaching the General Assembly disavows responsibility.—1895, pp. 76, 77.

6. The above action explained and reaffirmed; does not relate to the licensing of candidates.

The Judicial Committee presented its Report on the response of the Presbytery of New York to the action of the Assembly of 1895, which was received and adopted, and is as follows:

The Judicial Committee submit and recommend the adoption of the following answer to the "Response" of the Presbytery of New York to the answer of the General Assembly to the Presbytery's Overture as recorded in the *Minutes* of the General Assembly of 1895 (pp. 76, 77), referred to the Judicial Committee by the General Assembly from the Committee on Bills and Overtures, viz.:

1. The General Assembly of 1896 reaffirms the action of the General Assembly of 1895 concerning the reception by Presbyteries of students as candidates who are "pursuing or intending to pursue their theological studies in seminaries for whose instructions the General Assembly disavows responsibility." In so doing we call attention to the fact that the Presbytery of New York last year asked the General Assembly to instruct it in relation to its duty towards students applying to be taken under its care and that the Assembly in response instructed it, using substantially its own words. The action of the Assembly did not relate to the licensing of candidates, but to the reception of students asking to be taken under care. It fully recognized the right of the Presbytery to determine the qualifications of candidates for licensure. We also express our understanding of the words "instruct" and "enjoin" in last year's action to be simply an emphatic repetition in the expression of its response to the Presbytery of New York touching the specific question overtured.

2. We call attention to the difference in status between "ministers from other denominations" on the one hand, and students seeking to enter the ministry of the Church on the other hand, in the relation they sustain or seek to sustain to the Church.

As to ministers "from other denominations," the General Assembly having had no care or supervision of their theological instruction, requires an examination as to their change, and reasons therefor, of conviction in doctrinal belief and in the Form of Church Government, and of their approval of and sincere acceptance of the Standards of the Church.

On the other hand, students seeking to come under the care of Presbyteries as candidates for the Gospel ministry have no Presbyterial or ecclesiastical status, save what is implied in church membership, but having a purpose to qualify themselves in doctrinal belief, for the Gospel ministry, it is indispensable for the purity of the Church in doctrine and polity, that Presbyteries in receiving them under their care, so direct them in all cases when necessary, and if need be, require them to pursue their theological studies "under some approved divine;" or in institutions or seminaries which have not been disapproved by the Church, that their instruction may be in all respects in accord with the doctrine and polity of the Church into whose ministry they are seeking to enter.

3. While fully recognizing the Constitutional right of Presbyteries in the matter of licensing candidates for the ministry (Form of Government, Chap. xiv), we are nevertheless urgent that Presbyteries have special care of their examinations in subjects required by the Form of Government, Chap. xiv, Sec. iv, and that due respect be given to the deliverances of the General Assembly in the matter of the education of students for the Gospel ministry.

4. We are equally urgent that the same care be taken by Presbyteries in their examinations of ministers coming to us from foreign bodies, that is urged upon them in the licensure of candidates already under the care of Presbyteries.—1896, pp. 160–162.

7. The above action (5 and 6) universal in application.

The Judicial Committee reported:

Judicial Case No. 2, an Appeal of A. P. Ketchum, Esq., and twenty-one others, against the Synod of New York, and

Judicial Case No. 3, a Complaint of Rev. Robert Russell Booth, D.D., LL. D., and forty-four others against the same Synod.

Both cases are against the same action of the Synod.

The appellants, being also complainants, consent to withdraw the Appeal.

The Complaint is in order. But we believe the differences can be satisfactorily settled for all parties, and for this purpose we recommend the adoption of the following, to wit:

The answer of the General Assembly of 1895 to the Presbytery of New York declares that "obedience to the Constitution of the Church is obligatory on all the Presbyteries."

The words "instruct" and "enjoin" in this answer, reaffirmed and explained in 1896, are to be regarded as universal in their application; and also, "the right of the Presbytery to determine the qualifications of candidates for licensure," is a declaration applicable to all Presbyteries alike.

This Assembly emphasizes the fact that all the Presbyteries of the Church are under one Constitution, and that what is lawful in one is lawful in all, and that what is unlawful in one is unlawful in all. And the Presbyteries in the exercise and discharge of their rights and obligations are subject to the Constitutional powers of the higher judicatories.—1897 p. 41.

8. Careful supervision to be exercised both in receiving candidates and over their studies.

Resolved, That this Assembly renew the resolution of the Assembly of last year (*Minutes*, p. 524), and "earnestly urge all our Presbyteries and Committees *ad interim* to guard with a becoming caution and a firm vigilance the door to the holy office of the ministry so as not to admit to that sacred calling men wanting in mental and moral qualifications for its high and holy functions." And furthermore, as a means of excluding improper persons, that this Assembly enjoins upon every Presbytery which has not so done to appoint a Committee, whose duty it shall be to make careful inquiry as to the conduct and progress in study of all the candidates under its care, and to make report to their Presbytery at every stated meeting, or oftener if Presbyterial action is needed.—1860, p. 25, O. S.

9. Disapproval of aid to student-candidates using tobacco.

In answer to *Overture 15* from thirty-one Presbyteries, dealing with the subject of the refusal of aid to students who use tobacco: We recommend that, inasmuch as Presbyteries have full responsibility for oversight of students for the ministry, and in view of the fact that the subject is already adequately incorporated into the Rules of the Board dealing with aid to students, no further action be taken.—1925, p. 54.

10. No candidate to be received by the Board until he has been a Church member one year and passed classical studies for one year.

That it be recommended that the Board of Education hereafter receive no candidate for the ministry, until he has been a member of the Church at least one year, and has also passed his classical studies, for an academic year; except in extraordinary cases to be determined by the Board.

That increased care be enjoined upon the Presbyteries in bringing forward or recommending candidates for the sacred ministry.—1872, p. 19.

11. Candidates must connect themselves with the Presbytery to which they naturally belong.

a. That the candidates of the Board be required to connect themselves with the Presbyteries to which they naturally belong, unless for extraordinary reasons, of which the Presbyteries must be the judge.—1872, p. 19.

b. *Should retain their connection with that Presbytery.*

Overture from the Presbytery of St. Lawrence, asking the Assembly "to enjoin upon candidates for the ministry to retain their connection with the Presbyteries to which they naturally belong by residence and church membership; also to enjoin Presbyteries not to receive such candidates unless they have received dismission from the Presbyteries to which they naturally belong, as above specified; also to enjoin the Board of Education carefully to examine into any such cases, and only in extreme instances to allow the funds of the Board to be paid to candidates who do not receive such funds through the Presbyteries to which they naturally belong.

The Committee recommends the Assembly to call the attention of the Presbyteries to the Constitution of the Church, and to the action of the Assembly of 1872, and to urge them to a more careful observance of the principles then laid down, in order, as far as possible, to secure the ends contemplated in the Overture.—1884, p. 77.

c. *Exceptional case, where no Presbytery exists.*

The Committee, however, are of the opinion that in cases of this sort, each should be judged by its own circumstances, and that so far as the way is not positively closed by law, necessity should be regarded as justifying unusual action. They are of opinion that, in accordance with the spirit of Chap. xiv, Sec. ii, of the Form of Government, relating to licensure, it would be competent for a candidate on a foreign field where no Presbytery exists to put himself under the care of a home Presbytery, by virtue of letters from missionaries on that field, and then subsequently by a commission appointed by that Presbytery, after due examination, to license and to ordain him, and then to report his name for enrollment in the Presbytery authorizing the step.—1887, p. 25.

[NOTE.—See Report of Committee on the Ecclesiastical Relations of Foreign Missionaries, *Minutes*, 1887, pp. 18–25.]

12. A mission has no authority to license or ordain.

[NOTE.—See *Minutes*, 1896, p. 146; Form of Government, Chap. xv, Sec. xv, p. 440.]

13. Deliverance on the relation sustained by students who have been taken under the care of a Presbytery to the Presbytery receiving them.

Overture, being a Memorial from the Presbytery of New Brunswick, in the case of William J. Krieger. In answer to the Presbytery of New Brunswick, asking instructions in the case of Mr. William J. Krieger, the Committee recommend in the matter of the relation which students who have been received under the care of a Presbytery sustained to the Presbytery receiving them, the following interpretation of former deliverances of the General Assembly be affirmed and declared by this Assembly, viz.:

That it is the duty of such students, whether receiving aid from the Board of Education or not, to consult their Presbytery before changing their church relation or the school in which they are pursuing their studies; that it is the privilege of the Presbytery to direct their education within reasonable limits in schools approved by the General Assembly, and to prohibit their attendance at institutions of learning disapproved by the same. This interpretation of the law is obvious, because:

1. The recommendations of the Church upon the subject of candidates are, that the candidate usually comes under the care of that Presbytery to which he most naturally belongs, and he shall be deemed most naturally to belong to that Presbytery in whose bounds he has been brought up and lived for the most part, and where he is best known (Form of Government, Chap. xiv, Sec. ii).

2. If, however, a student under care of Presbytery should desire for greater convenience to enter into a different Presbytery, upon his offering

satisfactory reasons he may be dismissed. In such case the Presbytery to which he removes shall not receive or admit him to come under trials upon his having a certificate as a regular church member only, but he shall bring a testimonial from the Presbytery or several neighboring ministers where he lived, recommending him as a candidate for the ministry, of exemplary piety and holiness of conversation, nor shall anything else be deemed a sufficient recommendation (Form of Government, Chap. xiv, Sec. ix).

3. That candidates should be required to put themselves under the care of Presbytery as soon as possible, and to receive careful supervision during their entire course (*Minutes* of N. S. Assembly, 1856, p. 223, and 1854, p. 506; Moore's *Digest*, 1886, p. 365).

4. A rule of the Board of Education (report of 1893, p. 41) is as follows: "The Board can rely only upon the Education Committee of each Presbytery for the regular care of its own candidates, which should include the constant exercise of a parental oversight over them in spiritual things, and the counsel they need as to their mode of preparation, their place of study and their trials, and the occupation of their time when not engaged in study, in employments which tend to qualify them for effective usefulness as pastors or evangelists."

This rule has been enforced since the Reunion.

5. In the case before us, the Presbytery of Dubuque, for reasons sufficient in their judgment, declined to dismiss the candidate, William J. Krieger, to the Presbytery of New Brunswick. The candidate, however, obtained a letter of dismission from the church of his home to the church in Princeton. This we deem to have been irregular and wrong, as the policy of the Church is, that the church letter of the candidate should remain within the bounds of the Presbytery under whose care he has placed himself. We recommend that candidates be not allowed to take their church letters out of the bounds of the Presbytery which has charge over them until they are dismissed to the care of another Presbytery into whose bounds they may then be taken.

6. In the case before us, considering all the circumstances, we would recommend that the Presbytery of Dubuque dismiss the candidate, William J. Krieger, to the care of the Presbytery of New Brunswick.

We make these recommendations under the guidance of Sec. v of Chap. xii, of the Form of Government, which reads as follows: "To the General Assembly also belongs the power of deciding in all controversies respecting doctrine and discipline," the word discipline being used in a governmental sense.—1894, pp. 125, 126. (See p. 153, 5).

14. The Assembly's power over the education of students. Presbyteries directed to supervise.

After maturely deliberating on the *Overture*, the Assembly determined, that the part of it which relates to the selection and education of young men of piety and talents for the Gospel ministry, presents a plan which they consider as well deserving their countenance and support. But as the Presbyteries, of which the Assembly have the oversight, are scattered over a wide extent of country, and their circumstances are known to be extremely various, it occurred that an absolute injunction on all the

Presbyteries, immediately to enter into the execution of the plan proposed, might bear hard on some, if not be entirely incapable of execution: on the other hand, merely to recommend an attention to the plan without attaching any responsibility to the neglect of the recommendation, appeared to the Assembly incompatible with the high importance of the subject, and with their own duty as guardians of the Church, bound especially to provide for their people a supply of the Word of Life. It was, therefore, determined to take a middle course between these extremes, so as to avoid, if possible, the inconveniences of both. With this in view it was resolved to recommend, and the Assembly do hereby most earnestly recommend to every Presbytery under their care, to use their utmost endeavors to increase, by all suitable means in their power, the number of promising candidates for the holy ministry: to press it upon the parents of pious youth, to endeavor to educate them for the Church; and on the youth themselves, to devote their talents and their lives to the sacred calling; to make vigorous exertions to raise funds to assist all the youth who may need assistance; to be careful that the youth they take on their funds give such evidence as the nature of the case admits, that they possess both talents and piety; to inspect the education of these youth, during the course of both their academical and theological studies, choosing for them such schools, seminaries, and teachers, as they may judge most proper and advantageous; so as eventually to bring them into the ministry, well furnished for the work. And the Assembly did, and do hereby order, that every Presbytery under their care make annually a Report to the Assembly, stating particularly what they have done in this concern, or why (if the case shall so be) they have done nothing in it; and that the Assembly will, when these Reports are received, consider each distinctly, and decide by vote, whether the Presbyteries severally shall be considered as having discharged or neglected their duty in this important business.—*Minutes* (Reprint), 1806, pp. 366, 367.

15. Presbyteries to choose seminaries, etc., for all students.

Resolved, That in view of the extreme importance of safeguarding the polity and doctrine of our Church, this General Assembly affirms as applicable to all theological students the deliverance made by the General Assembly of 1806 (*Minutes*, as reprinted, p. 367), concerning students who received aid from the Presbyteries, viz., that the Presbyteries inspect their education "during the course of their theological studies, choosing for them such schools, seminaries and teachers as they may judge most proper and advantageous, so as eventually to bring them into the ministry well furnished for their work."—1897, p. 58.

16. Rules of the Board of Christian Education, in relation to Students.

[Note.—The Board of Christian Education has adopted rules governing the pecuniary assistance given to students, and these have been approved by the General Assembly. They may be had by applying to the Board.]

III. It is proper and requisite that candidates applying to the presbytery to be licensed to preach the gospel, produce satisfactory testimonials of their good moral character, and of their being regular members of some particular church. And it is the duty of the presbytery, for their satisfaction with regard to the real piety of such candidates, to examine them respecting their experimental acquaintance with religion, and the motives which influence them to desire the sacred office. This examination shall be close and particular, and in most cases may best be conducted in the presence of the presbytery only. And it is recommended that the candidate be also required to produce a diploma of bachelor or master of arts, from some college or university: or, at least, authentic testimonials of his having gone through a regular course of learning.

1. Early attention to possible candidates for the ministry.

As a result of its study of this subject, the Commission has been deeply impressed with the failure of Presbyteries and of Sessions to perform their duties toward the young men who are preparing for the ministry. Our Constitution makes ample provision for the nurture of these young men in grace and faith, and yet the fact is they are left, for the most part, to their own resources except for a brief and sometimes formal questioning when they are taken under the care of the Presbytery. Frequently they have no aid of the kind they most need, except the counsels of a pastor, and these are not always offered.

Under our Constitution a student must be recommended by the Session of the church of which he is a member. Yet how few Sessions know anything about the spiritual struggles and the deep anxieties which young men experience when the question of life work and of self-dedication to the Master is uppermost. How few Sessions are on the watch for boys who may become suitable candidates for the ministry. Would it not be a cause of spiritual satisfaction on the part of any Session to make selected individuals among the boys the objects of special prayer and to press upon them the call of Christ to the ministry and the opportunity of service for Him in this office? to instruct and encourage and guide them in arriving at a decision? to prepare them for the moment when they go before the Presbytery to be taken under its care? Under such conditions the recommendation of a Session will be something more than a formality and will become an assurance that the candidate has been carried forward step by step on the arms of prayer and of Christian counsel and made ready for the further act of consecration in committing himself to the Presbytery's oversight.—Special Commission of 1925, *Minutes*, 1927, p. 74.

2. Duties of Presbyteries toward candidates.

Then begin the duties of the Presbytery if indeed they do not have their inception much earlier. The young man has put himself in the Presbytery's hands. He is not alone in fitting himself for the ministry, but the Presbytery also is preparing him for the sacred office. The Presbytery bears a fatherly relationship to him. His studies and the place where he will pursue them and all the circumstances surrounding his preparation are the Presbytery's serious concern. The committee of Presbytery, particularly its chairman, has the rare opportunity to make this concern very personal. And yet, let it be asked, and answered to our humiliation, in how many of our three hundred Presbyteries is any conscientious, continued, patient and prayerful consideration given to the needs of these students? How many members of Presbytery know who they are or what their number or where they are pursuing their studies or what is their mental and spiritual reaction to the instruction they are receiving? Few, if any, know about these things until the candidate presents himself for licensure—perhaps for ordination as well as licensure, after his theological course of instruction has been completed and his opinions rather well-formed as to matters of serious doctrinal and spiritual importance. Then, if he wavers in his theological views and confesses honest doubts, we are ready to take him in hand in a somewhat inquisitorial spirit, to impress upon him without much sympathy and with little evidence of regret such as love might show, his delinquencies in belief and to make him the helpless victim of our own differences and discussions and advertise him before the public to his abiding humiliation as a man unfit for the holy ministry in the Presbyterian Church, or at least one whose credentials are clouded.

The Presbytery should know what these young men are studying and how they are receiving the instruction. If the Presbytery objects to the type of teaching, it should have an opportunity to express its disapproval earlier and in terms of affectionate interest and Christian solicitude, to warn of errors and to point out the safer paths and by every means to make students for the ministry feel that they have in the Presbytery a sure dependence and a constant friend. We wait too long, meanwhile leaving these young men to themselves, and then expect them to pass a rigid theological examination. Many a student can be led out of the fogs of doubt into the clear sunshine of assurance and conviction if he have the benefit of wise and tender counsel by his brethren during the period of his preparation. The Form of Government provides for this and we have grossly neglected its provisions. A return to the specific requirements and to the plain implications of our Constitution in this respect would go far toward promoting the purity, peace, unity and progress of the Presbyterian Church.—Special Commission of 1925, *Minutes*, 1927, pp. 74, 75.

3. A liberal education required.

a. Through the Committee of Overtures it was requested by the first Presbytery of Philadelphia that the Synod declare to them their sense on this point, viz., whether a person without a liberal education may be taken on trials or licensed to preach the Gospel. The question being put, it was carried in the negative.—1783, p. 499.

b. An *Overture* was brought in in the following terms, viz.: "Whether in the present state of the Church in America, and the scarcity of ministers to fill our numerous congregations, the Synod or Presbyteries ought therefore to relax, in any degree, in the literary qualifications required of intrants into the ministry," and it was carried in the negative by a great majority.—1785, p. 511.

c. *To keep pace with the progress of society and letters.*

Your Committee recommend to the General Assembly to enjoin it upon all their Presbyteries to take the most effectual order in their power to increase, if possible, the qualifications of candidates for the Gospel ministry with regard both to sincere piety and solid and extensive learning, that the improvements of the pulpit may keep full pace with the progress of society and letters.—1799, p. 181.

d. *Letter to Rev. David Rice on thorough literary training for the ministry.*

[NOTE.—See *Minutes* (Reprint), 1804, p. 299; *Digest*, 1886, p. 367.]

4. Liberal education waived in certain cases.

a. *Case of John Griffith that he might minister to the Welsh people.*

That those of the Welsh here who testify to the Synod concerning his useful preaching and pious conduct are known to be men of judgment and integrity; and as the circumstances of that people are singular, and no other way appears in which they can enjoy ordinances, the Synod agree that the said Mr. John Griffith, though he has not the measure of school learning usually required, and which they judge to be ordinarily requisite, be ordained to the work of the ministry, and appoint Messrs. Samuel Davies, Dr. Allison, Treat Hunter and Kettletas, to be a Presbytery *pro re nata* to ordain him.—1759, p. 289.

[NOTE.—Mr. Griffith was accordingly ordained.]

b. *Case of John Gloucester, a colored man.*

In connection with a communication from the Presbytery of Union, it was *Resolved*, 1. That the General Assembly highly approve the caution and prudence of the Presbytery of Union in this case. 2. That considering the circumstances of this particular case—viz., the evidence of unusual talents, discretion and piety possessed by John Gloucester—the good reason there is to believe that he may be highly useful in preaching the Gospel among those of his own color, and the various difficulties likely to attend a further delay in proceeding in this case, the General Assembly did and hereby do authorize the Presbytery of Philadelphia to consider the case of John Gloucester, and if they think proper to license him to preach the Gospel.—*Minutes* (Reprint), 1807, p. 387.

[NOTE.—Mr. Gloucester was licensed.]

5. Great caution prescribed in exceptional licensures.

Overture from the Trustees of Lincoln University in regard to the licensure and the aid of young colored men seeking the ministry. To this Overture the Committee recommend the following answer:

The General Assembly has no authority to modify the regulations of our Form of Government, in respect to the qualifications of licentiates, so as to make provision for any class of exceptional cases. At the same time, the Assembly recognizes the propriety of the exercise, by Presbyteries, of a wise discretion in their administration of the functions entrusted to them by the Church, in view of the great work to be done by our Church among the colored people in this country. The Assembly specially accords such discretion to those Presbyteries which are providentially brought into special relations to that work; meanwhile, in view of the experience of several years, enjoining upon such Presbyteries the obligation to take great care, lest any incompetent or unworthy men be admitted into the ministry of our Church.—1876, p. 72.

6. In what cases aid shall be withdrawn.

If at any time there be discovered in a student such defect in capacity, diligence, and especially in piety, as would render his introduction in the ministry a doubtful measure, it shall be the sacred duty of the Board to communicate without delay the information received to the Education Committee of his Presbytery; and if, on careful inquiry on the part of the Presbytery, no satisfactory explanation of the defect can be obtained, or if no response be received by the Board from the Presbytery or from their Committee on Education within the current quarter, it shall be the duty of the Board to withdraw their aid altogether.—1878, p. 49.

7. A candidate must be a member of some particular Presbyterian Church.

Overture from a member of the Presbytery of Whitewater, asking "May Chap. xiv, Sec. iii, and first clause of our Form of Government be so construed as to allow a Presbytery to license a member of a Methodist Episcopal, or Congregational, or other evangelical Church, without his first becoming a member of a Presbyterian church? Or does the expression 'some particular church' mean some particular Presbyterian church?"

The Committee recommend that, inasmuch as the candidate must be under the care of the Presbytery, and promise to submit himself to its government, the Assembly answer the Overture in the negative, and define the phrase "some particular church" to mean some particular Presbyterian church.—1874, p. 84.

8. Constitutional Rule No. 3.

I. Every applicant seeking to be taken under the care of presbytery as a candidate for the ministry shall file his application at least three months before the meeting of the presbytery, addressing the same to the chairman of the education committee of the presbytery, in the care of the Stated Clerk, in order that the committee may have ample time to make a careful investigation of his Christian character, physical and mental qualifications, and his previous education; and no person shall be received by presbytery as a candidate for the ministry who has not been recommended by the session of the church of which he is a member, under whose care he shall have been for a period of at least six months. And no exception shall be made to this rule without a unanimous vote of presbytery.

II. Presbytery shall examine annually, in person or by letter, all candidates under its care, concerning their Christian experience, their progress in study, and their fidelity to the doctrines of the Church. It shall also advise with them concerning their course of study, and the institutions in which they are to pursue their studies.

9. Form of applications for candidates.

[Note.—These forms are changed from time to time, and may be had by applying to the Board of Christian Education.]

10. Presbyteries to exercise vigilance as to candidates.

That the Assembly commends the steps taken by some of the Presbyteries, for maintaining a more vital relation with candidates under their care, and a closer supervision of their studies, and that this Assembly directs the Presbyteries to exercise the utmost vigilance in all such matters. —1904, p. 62.

11. College graduation to be insisted upon.

That the seminaries and Presbyteries, according to action of the Assembly of 1891, should insist more strenuously on college graduation by candidates before they be permitted to enter on their theological studies, and that the number of exceptions to this rule should be largely reduced. —1900, p. 144.

12. Duties of Committees on Education stated.

That Presbyteries are recommended to strengthen their Committees on Education by putting on them the wisest men in the Presbytery; to entrust to them the examination of candidates with respect to personal religion and motives for seeking the ministry; to hold special meetings for the examination of candidates for licensure or ordination where full time cannot otherwise be allowed for the all-important work; to combine written with oral examinations for the better testing of candidates; to enter into and maintain correspondence with other Presbyteries in order that the same standard of strict attention to the watch and care of candidates may everywhere prevail for the common advantage and protection. —1900, p. 54.

IV. Because it is highly reproachful to religion, and dangerous to the Church, to entrust the holy ministry to weak and ignorant men, the presbytery shall try each candidate as to his knowledge of the Latin language, and the original languages in which the Holy Scriptures were written. They shall also examine him on the arts and sciences, the Bible in his vernacular, on theology, natural and revealed, and on ecclesiastical history, the sacraments and church government; *provided*, that if the examination in theology be unsatisfactory to one-fourth of the presbyters present, they may demand a further examination, in writing, on questions proposed by them, and by the presbytery, questions and answers to be filed by the presbytery. In lieu of examinations in Latin and in the arts and sciences, the presbytery shall have discretion to accept his diploma of Bachelor or Master of Arts. And in order to make trial of his talents to explain and vindicate, and practically to enforce the doctrines of the Gospel, the presbytery shall require of him: (1) A thesis in Latin or other language, on some common head in divinity; (2) a critical exercise in exegesis; (3) a lecture, or exposition of several verses of scripture; and (4) a popular sermon.

1. The "Latin exegesis" not stricken out.

Overtures from the Presbyteries of Genesee, Geneva, and Nassau, asking for an amendment to the Form of Government, with a view to the omission of the Latin exegesis from the parts of trial required at the examination of probationers for the ministry. The Committee would recommend that, as a sufficient relief is afforded by the right of Presbytery to make exceptions, it does not seem needful to propose any Constitutional amendments.—1893, p. 71.

2. Presbytery has discretion as to the Latin exegesis.

Judicial Case No. 9, being the Appeal and Complaint of the Rev. J. G. Mason, D.D., against the Synod of New Jersey.

The question in this case is whether the Presbytery erred in excusing a candidate for the ministry from the Latin exegesis, required as one of the parts of trial for licensure. As the Assembly of 1893 decided that in this specific matter there may be exceptions, and as there is nothing in the Record showing that the exception made in the case complained of was based upon insufficient grounds, we recommend that the Appeal be dismissed.—1900, p. 120.

3. Presbytery has discretion as to a substitute.

Overture from the Presbytery of Utica, asking the General Assembly to overture the Presbyteries to amend the Form of Government, Chap. xiv, Sec. iv, so that the words, "The Latin exegesis on some common head of divinity," be stricken out, and the following words substituted: "An essay or dissertation on some prescribed subject in Christian theology."

Your Committee would recommend that this Overture be answered in the negative, for the following reason: That Presbyteries are at liberty, under our Constitution, to substitute such dissertation or essay at their discretion.—1893, p. 117.

4. Examination in the English Bible mandatory.

Resolved, That the General Assembly, acting under Chap. xii, Sec. vi, of the Form of Government, hereby declares that the following Constitutional Rule having been adopted by a majority of the Presbyteries is a law of the Church, viz.: "Candidates for licensure, in addition to the examination required by chap. xiv, sec. 4, of the Form of Government, shall be diligently examined in the English Bible; and shall be required to exhibit a good knowledge of its contents, and of the relation of its separate parts and portions to each other." And the General Assembly further directs that this rule shall be known as *Constitutional Rule No. 2*, and shall be appended to the Constitution of the Church.

The Moderator announced that *Constitutional Rule No. 2* had been adopted and enacted, and was therefore a part of the law of the Church. —1897, p. 119; this *Digest*, p. 357.

V. These, or other similar exercises, at the discretion of the Presbytery, shall be exhibited until they shall have obtained satisfaction as to the candidate's piety, literature, and aptness to teach in the churches.

The lecture and popular sermon, if the presbytery think proper, may be delivered in the presence of a congregation.

1. Examination in the Catechisms recommended.

That the Presbyteries be required to see that the candidates for licensure be well versed in the Catechisms and well furnished with Scripture proof texts.—1868, p. 654, O. S.

2. Lecture and sermon may be heard by Committee.

That the exception to the Records of the Presbytery of Philadelphia North, because "the popular lecture and sermon were heard by the Examination Committee and not in open Presbytery," is not well taken.—1901, p. 166.

VI. That the most effectual measures may be taken to guard against the admission of insufficient men into the sacred office, it is recommended that no candidate, except in extraordinary cases, be licensed, unless, after his having completed the usual course of academical studies, he shall have studied divinity at least two years, under some approved divine or professor of theology; and no candidate shall receive license to preach until he has been under the care of presbytery for at least one year, except in extraordinary cases and by consent of three-fourths of the members of presbytery present.

[NOTE.—For the power of Presbytery in choosing schools, seminaries, etc., for students, see Nos. 5 and 13, pp. 406, 411.]

1. Effort to extend the time of study to three years.

a. On motion, *Resolved*, That it be recommended to the several Presbyteries of this Church to consider whether it would be proper to extend the time necessary for young men to apply to the study of divinity before they be taken on trials to three years at least, and to send up a Report of their opinion to the next General Assembly.—1792, p. 60.

[NOTE.—No action of Presbyteries is reported in later Records.]

b. *Rule of a lower judicature unconstitutional.*

The Records (of the Synod of New York and New Jersey) were approved, except a vote of that Synod by which they determine it to be Constitutional for that Synod to enact, "That, in future, candidates who have the Gospel ministry in view be required to attend to the study of divinity at least three years before licensure," which vote was determined by the Assembly to be unconstitutional.—1792, p. 59.

c. *Overture sent down, but not adopted.*

Overture No. 6 was taken up, viz.: Requests from several Presbyteries that the sixth section of Chap. xiv of our Form of Government might be sent down to the Presbyteries to be so altered as to read "to study theology at least three years, etc." The Overtures were read, and it was resolved that the proposed alteration be sent down as an Overture to the Presbyteries, and that the Presbyteries be required to send up their answer to this Overture in writing to the next General Assembly.—1835, p. 475.

[NOTE.—To this Overture, in 1836, thirty-five answered in the affirmative and twenty in the negative. Not a majority. The Overture was again referred to the Presbyteries, and in 1837 fifty-two Presbyteries reported in favor and thirty-eight against. Still not a majority, and the matter was dropped.—1836, p. 276; 1837, p. 438.]

2. Full term of three years urgently recommended.

a. *Resolved,* That this Assembly entirely concur in the opinion expressed in the Report of the Board of Directors of the theological seminary at Princeton, that it is highly important that theological students continue the full time of three years in the seminary, and complete the whole course of studies prescribed in the plan.—1834, p. 437.

b. *Resolved,* 1. That this Assembly do approve of the resolution passed by the Board of Directors at their late meeting with a view of securing the attendance of students doing a full course of theological instruction in our seminary.

Resolved, 2. That the Assembly notice with regret the prevalence of what they deem a serious evil, not only to the seminary, but to the Church at large, in the number of students who annually leave the institution before the prescribed course of studies is completed. And they do earnestly recommend to the students, if practicable, to continue the full time prescribed in the plan.—1826, p. 179.

c. *Resolved,* That in the opinion of this house it is in general highly inexpedient for candidates for the ministry to apply for licensure at such a period of their course of study as would prevent them from finishing the three years' plan of studies adopted and approved by former Assemblies.—1843, p. 187, O. S.

3. A pledge to a three years' course not unconstitutional.

Resolved, That the General Assembly are deeply impressed with the importance of a thorough course of theological study, and would earnestly recommend to their Presbyteries to elevate the standard of education, and that the rule of the Board of Education does not conflict with the Constitution when it prescribes the time of study, inasmuch as the Constitution makes two years the shortest time allowed to complete the course of theological study, but does not prescribe the maximum.—1844, p. 375, O. S.

4. Theological course to be taken in approved institutions.

That the Assembly calls attention to the judgment already frequently expressed, that candidates for our ministry should be educated, so far as possible, in institutions of our own Church, or those in hearty sympathy with it, and in particular hereby direct all Presbyteries to require that the theological course be taken in institutions approved by the General Assembly.—1904, p. 62.

5. Regulations as to extraordinary cases.

In respect to the "extraordinary cases" provided for in our Form of Government, Chap. xiv, Sec. vi, the discretionary power vested in the

Presbyteries should be exercised with great caution and with supreme regard to the welfare of the entire Church. Wherever the full collegiate course is found to be impracticable, the student should be required to pursue, not a short or partial, but a full course of three years in some theological institution, and this course should be introduced, wherever possible, by at least one year of special preparatory training. The candidate for such exceptional course should be not less than twenty-five years of age, of special promise as to talents and capacity for usefulness, and of approved piety, having a fair degree of education, and so circumstanced providentially, that he can prosecute to the end whatever studies the Presbytery may prescribe. As cases of this kind are presenting themselves in considerable numbers, our theological seminaries are advised to provide suitable courses of study in which the full period of three years may be profitably employed, and are authorized to receive such persons under their instruction when they are duly approved by the Presbyteries. The Presbyteries are also hereby required to make a full Record of their action in each instance of this class, including a statement of the several exceptions allowed and this Record should be furnished to the faculty of the institution where such student is received.—1891, p. 177.

[NOTE.—See under Sec. xi, 2 and 3, p. 423.
See, also, Report in full of "the special committee to which was referred the Report of the special committee on increasing the number of ministers."—*Minutes*, 1891, pp. 167–178.]

VII. If the presbytery be satisfied with his trials, they shall then proceed to license him in the following manner: The moderator shall propose to him the following questions: viz.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures?

3. Do you promise to study the peace, unity, and purity of the Church?

4. Do you promise to submit yourself, in the Lord, to the government of this presbytery, or of any other presbytery in the bounds of which you may be called?

1. Form for licensing local evangelists.

Overture from the Presbytery of Troy, asking the Assembly to provide a form for the licensing of local evangelists. It is recommended that the form for licensing probationers for the Gospel ministry, Chap. xiv, Sec. vii, of the Form of Government, be allowed as far as paragraph (4), for which paragraph shall be substituted the following: "Do you promise to submit yourself in the Lord to the government of this Presbytery during the period of your service in it as a local evangelist?" And in Sec. viii, where occurs the formula of licensure, for the phrase, "Wherever God in His providence may call you," substitute the phrase "Within the bounds of this Presbytery."—1894, p. 88.

[NOTE.—See above, *Constitutional Rule No. 1*, p. 356.]

2. Local evangelist must be formally licensed prior to ordination.

Overture No. 32, from the Presbytery of St. Louis, asking whether *Constitutional Rule No. 1* exempts a local evangelist who has complied with the conditions from the necessity of formal licensure prior to ordination. It is recommended that the following answer be given:

That compliance with the provisions of *Constitutional Rule No. 1* does not exempt a local evangelist from the necessity of formal licensure, prior to ordination, and that he should be examined before Presbytery, first for formal licensure, and then later again for ordination, in accordance with the provisions of the Form of Government, Chap. xiv.—1898, p. 130.

[See for *Constitutional Rule No. 1*, this *Digest*, p. 356.]

VIII. The candidate having answered these questions in the affirmative, and the moderator having offered up a prayer suitable to the occasion, he shall address himself to the candidate to the following purpose:—"In "the name of the Lord Jesus Christ, and by that authority which he hath "given to the Church for its edification, we do license you to preach "the gospel, wherever God in his providence may call you: and for this "purpose, may the blessing of God rest upon you, and the Spirit of Christ "fill your heart.—*Amen!*" And record shall be made of the licensure in the following or like form: viz.

At the day of the Presbytery
of having received testimonials in favor of
of his having gone through a regular course of literature; of his good moral character; and of his being in the communion of the Church: proceeded to take the usual parts of trial for his licensure: and he having given satisfaction as to his accomplishments in literature; as to his experimental acquaintance with religion; and as to his proficiency in divinity and other studies; the presbytery did, and hereby do, express their approbation of all these parts of trial: and he having adopted the Confession of Faith of this Church, and satisfactorily answered the questions appointed to be put to candidates to be licensed; the presbytery did, and hereby do license him, the said to preach the gospel of Christ, as a probationer for the holy ministry, within the bounds of this presbytery, or wherever else he shall be orderly called.

1. Record of licensure may be made in like form.

Is it right for a clerk of Presbytery, in recording the licensure of a candidate, to use any other form than that prescribed in the book?

Answered in the affirmative. See above: "And Record shall be made of the licensure in like form."—1866, p. 54, O. S.

IX. When any candidate for licensure shall have occasion, while his trials are going on, to remove from the bounds of his own presbytery into those of another, it shall be considered as regular for the latter presbytery, on his producing proper testimonials from the former, to take up his trials at the point at which they were left, and conduct them to a conclusion, in the same manner as if they had been commenced by themselves.

[Note.—See case of William J. Krieger, under Sec. ii, p. 410.]

1. For candidate transferring to another Presbytery a church letter is desirable.

Overture No. 260, from the Presbytery of Los Angeles, being an interrogatory relating to the transfer of a candidate from one Presbytery to another, in the following terms:

"When a person who has been received by a Presbytery as a candidate for the ministry, is to be transferred to another Presbytery, is it necessary that a letter of transfer be taken from both the church of which he is a member and the Presbytery, in order to a proper transfer?"

It is recommended that this interrogatory be answered by saying that the words "Proper testimonials," in Chap. xiv, Sec. ix, of the Form of Government, do not necessarily involve or imply a letter of transfer of membership of the candidate from the individual church to which he belongs, but that this transfer is desirable, and is contemplated by the Book as the usual and most regular procedure.—1913, p. 163.

X. In like manner, when any candidate, after licensure, shall, by the permission of his presbytery, remove without its limits, an extract of the record of his licensure, accompanied with a presbyterial recommendation, signed by the clerk, shall be his testimonials to the presbytery under whose care he shall come.

XI. When a licentiate shall have been preaching for a considerable time, and his services do not appear to be edifying to the churches, the presbytery may, if they think proper, recall his license.

1. Limitation of the time to which a license shall extend to four years.

Overture from the Synod of Philadelphia, asking the Assembly to define more explicitly the relations of Presbyteries to their licentiates. Also, from the Presbytery of Philadelphia North, and from the Presbytery of Northumberland, on the same subject.

The Committee recommend the Assembly to adopt the following rules:

1. Every license to preach the Gospel shall expire at the end of the period of four years, unless the candidate holding the same shall, before the expiration of that time, be called to permanent labor in the work of the Church. But the Presbytery under whose care such licentiate may be, may, in its discretion, extend his license for the period of one year.

2. The Presbyteries are enjoined to take the oversight of their licentiates and their vacant churches, bringing in the one for the supply of the other, and, through the Home Missionary Committees of the Synods to which the Presbyteries belong, to seek to introduce their candidates to the widest fields of labor, and to furnish them full opportunity of practically showing their fitness for the Christian ministry.—1872, p. 87.

2. Length of license of local evangelists.

a. *Overture No. 65*, from the Presbytery of St. Cloud, concerning the interpretation of "*Constitutional Rule No. 1*." It is recommended that Question 1—"Is a Constitutional Rule of the same force as if it were incorporated in the Form of Government?"—be answered in the affirmative. That Question 2—"Is the rule to be applied to all local evangelists, making no discriminations as to the man's general education, experience and adaptability to the work?"—be answered, The rule is general in its application. That Question 3—"Do the four years date from the time of his being received under care of the Presbytery"—be answered, They date from the time of licensure.—1897, p. 133. (See p. 354, 6).

b. *Overture No. 32*, from the Presbytery of Saginaw, in reference to "the plan of educating local evangelists." It is recommended that while the employment of local evangelists is not to be altogether discontinued, Presbyteries are hereby directed to comply exactly in this matter with the regulations of *Constitutional Rule No. 1*, and the resolutions of the General Assembly—1897, p. 132.

[NOTE.—See for *Constitutional Rule No. 1*, p. 356.]

3. The above rule does not abridge the power of the Presbyteries to license in extraordinary cases.

The Standing Committee on the Polity of the Church reported:

1. A Memorial from the Presbytery of Columbus, asking this General Assembly to define the action of the last General Assembly "in limiting the term of licensure (*Minutes*, p. 87) as not referring to the cases of laymen who are licensed with a view of their higher usefulness, and not with a view to ordination."

The Committee recommend this Minute as an answer viz.: The General Assembly cannot sanction the practice of licensure as a means to attain a higher measure of usefulness merely, without aiming to reach ordination, as this would be virtually to make two grades of preaching officers. But the rules adopted by the last Assembly, to which the Memorial refers, should not be construed as abridging the power and discretion of the Presbyteries to license probationers "in extraordinary cases" (Form of Government, Chap. xiv, Sec. vi).—1873, p. 524.

4. Discretion of the Presbytery in granting and recalling licenses.

Overture from the Presbytery of Westchester, asking the Assembly to determine, 1. In what way the action of the General Assembly of 1872, in the matter of limiting licenses to preach (*Digest*, 1873, p. 401), shall be applied to those who were licentiates at the time such action was taken.

2. In what sense the words "extraordinary cases," in the action of 1873 on this subject (p. 401), are to be understood.

3. To make an explicit deliverance, as to the powers of the General Assembly over the functions of the Presbytery in granting and continuing licenses to preach the Gospel.

The Committee recommend the following answer:

1. The action of the Assembly of 1872 requires that all licenses then in force expire in four years from the date of that action.

2. The determination of the sense of the words "extraordinary cases" must be left to the Presbytery, in connection with the circumstances of each case.

But it is clear that their reference is to the preparatory studies of the candidates, and not to a class who had only a higher usefulness, and not the ministry in view.

3. The Assembly has no power over the functions of the Presbytery in granting and continuing licenses, save that of review and control.—1874, pp. 81, 82.

5. Licentiates belong to the laity, and are subject to the Session.

The Committee to whom was recommitted *Overture No. 1*, viz.: The question at what period of their preparatory course are candidates for the Christian ministry to be considered as dismissed from the jurisdiction of the Session and transferred to the Presbytery? made a Report, which, being read and amended, was adopted, and is as follows, viz.:

Whereas, It appears necessary in order to preserve the purity of the Church, and uniformity of procedure in the judicatories under the care of the General Assembly, that the manner of administering discipline to candidates and licentiates for the Gospel ministry should be distinctly specified; therefore,

Resolved, 1. That as the Word of God and the Constitution of the Presbyterian Church recognize the distinction of laity and clergy, and a system of procedure in discipline in some respects diverse, as the one or the other of these orders of men is concerned, it becomes the judicatories of the Church to guard against the violation of this principle in the administration of discipline.

2. That although candidates and licentiates are in training for the Gospel ministry, and in consequence of this are placed under the care of Presbyteries, and in certain respects become immediately responsible to them, yet they are to be regarded as belonging to the order of the laity till they receive ordination to the whole work of the Gospel ministry.

3. That it follows, from the last resolution, that when candidates for the Gospel ministry are discovered to be unfit to be proceeded with in trials for the sacred office, it shall be the duty of the Presbytery to arrest their progress, and if further discipline be necessary, to remit them for that purpose to the Sessions of the churches to which they properly belong, and that when licentiates are found unworthy to be permitted further to preach the Gospel, it shall be the duty of the Presbytery to deprive them of their license, and if further discipline be necessary, to remit them for that purpose to the Sessions of the churches to which they properly belong.

4. That in order to ensure the proper effect of discipline in the performance of the duties which severally belong to Sessions and Presbyteries, it will be incumbent on church Sessions, when they shall see cause to commence process against candidates or licentiates before Presbytery has arrested the trials of the one or taken away the licensure of the other,

to give immediate notice to the moderator of the Presbytery to which the candidates or licentiates are amenable that such process has been commenced, to the intent that the impropriety may be prevented of an individual proceeding on trials or continuing to preach, after committing an offense that ought to arrest him in his progress to an investiture with the sacred office; and when Presbyteries shall enter upon an investigation, with the view of stopping the trials of a candidate or taking away the license of a licentiate, the Session to which such candidates or licentiates are amenable shall be immediately informed of what the Presbytery is doing, that the Session may if requisite commence process and inflict the discipline which it is their province to administer.—1829, pp. 263, 264.

6. A licentiate may solemnize marriage if authorized by law.

a. *Resolved,* That while our Form of Government does not recognize licentiates as ministers of the Gospel, yet this Assembly do not consider them as violating any rules of the Church by solemnizing marriages in those States where the civil laws expressly authorize them to do it.—1844, p. 377.

b. "A licentiate probationer has no authority to perform the marriage ceremony, except in cases where such authority is conferred upon him by the statutes of the State. Until ordination, a licentiate is a probationer. His authority is transient and temporary. He has only been licensed to preach the Gospel, and that license is liable to revocation by the arbitrary act of the Presbytery, and therefore he is not a minister of the Gospel in the sense of that word as used ordinarily in the statute law of marriage." —1899, p. 51, C. P.

7. A local evangelist may solemnize marriage if authorized by law.

Overture No. 245, from the Synod of Wisconsin, asking if the Synod has power to grant to lay evangelists the right to perform the marriage ceremony. It is recommended that the answer be that the Synod has no such power, but that this Assembly does not consider local evangelists when appointed as provided for in *Constitutional Rule No. 1*, as violating any rule of the Church by solemnizing marriages in those States where the civil law expressly authorizes them so to do.—1915, p. 213.

8. Before what tribunal shall a candidate or licentiate be tried?

"'Before what tribunal shall a candidate or licentiate be tried for immoral conduct?'

"We answer, that his probation as a candidate or licentiate may, for any cause, be discontinued by the Presbytery; but he shall be tried for immoral conduct by the Session of that congregation of which he is a member."—1866, p. 50, C. P.

CHAPTER XV.

OF THE ELECTION AND ORDINATION OF BISHOPS OR PASTORS, AND EVANGELISTS.

I. When any probationer shall have preached so much to the satisfaction of any congregation, as that the people appear prepared to elect a pastor, the session shall take measures to convene them for this purpose: and it shall always be a duty of the session to convene them, when a majority of the persons entitled to vote in the case, shall, by a petition, request that a meeting may be called.

1. Steps to be taken by a vacant congregation looking to the election of a pastor.

The business left unfinished in the morning was resumed, and after a full discussion of the subject, the motion to sustain the Appeal of the Session of the Third Presbyterian Church in this city from the decision of the Synod of Philadelphia, affirming a decision of the Presbytery of Philadelphia, by which the Presbytery directed the said Session, within twenty days from the date of their decision, or after the final determination of the case, to convene the congregation for the purpose of electing a pastor, was determined in the affirmative; and Dr. Green, Dr. Neill and Mr. Richards were appointed a Committee to prepare a Minute stating the principles on which the Assembly sustained the Appeal.

The Committee appointed to prepare a statement of the principles and grounds upon which the Assembly sustained the Appeal of the Session of the Third Presbyterian Church in this city reported, and their Report, being read and amended, was adopted in the words following, viz.:

That both to prevent misapprehension and to aid the congregations and judicatures of this church in deciding on any similar cases that may arise, the Assembly therefore declare,

I. That in vacant congregations which are fully organized the Session of each congregation are to determine, under their responsibility to the higher judicatures, when the congregation are prepared to elect a pastor, as directed in the Form of Government of this Church, Chap. xv, Sec. i.

II. That it is the duty of the Session, when a congregation is vacant, to use their best endeavors to promote the settlement of a pastor in the same, in the speediest manner possible, consistently with the peace, order and edification of the congregation; and it is the privilege of the people, or of any portion of them, to complain to the Presbytery when they think that the Session, after being suitably requested, neglect or refuse to convene the congregation to elect a pastor.

III. That it belongs to the Presbyteries to take cognizance of the proceedings of Sessions and congregations in the important concern of settling pastors, and to adopt the most effectual measures on the one hand to prevent all undue delay by the Session or the people, and on the other to prevent all precipitancy in the settlement of any minister or the adoption of any system of proceedings in the congregation inconsistent with the real and permanent edification of the people.

IV. That by the due and discreet observance of these principles by all concerned it will be found that, so far from the Session of a congregation having it in their power to deprive a majority of a congregation of their right to make an election of a pastor when sought in an orderly and Christian manner, or to keep a congregation unsettled for an indefinite length of time, the rights of the people will be most effectually secured, and their precious and inalienable privilege of choosing their own pastor will be exercised by them in the shortest period which their own real benefit will permit.

V. That the conviction of this Assembly that the foregoing obvious and Constitutional principles had not been duly adhered to in the case before them, that the congregation had not proceeded with a suitable respect to the Session, and that the Presbytery did not adopt the most suitable measure when they advised and directed the Session to convene the congregation in twenty days, has led the Assembly to sustain this Appeal as the measure most Constitutional, best calculated on the whole to do justice to all the parties concerned, and to point the way to the most speedy settlement of the unhappy differences and disorders which have so long existed in the particular congregation immediately concerned.—1814, pp. 559, 560.

II. When such a meeting is intended, the session shall solicit the presence and counsel of some neighboring minister to assist them in conducting the election contemplated, unless highly inconvenient on account of distance; in which case they may proceed without such assistance.

[Note.—For answer to the question who may moderate a Session, see under Form of Government, Chap. ix, Sec. iv, 2, *a*, *b*, *c*, etc., p. 108.]

III. On a Lord's Day, immediately after public worship, it shall be intimated from the pulpit, that all the members of that congregation are requested to meet on   ensuing, at the church, or usual place for holding public worship; then and there, if it be agreeable to them, to proceed to the election of a pastor for that congregation.

IV. On the day appointed, the minister invited to preside, if he be present, shall, if it be deemed expedient, preach a sermon; and after sermon he shall announce to the people, that he will immediately proceed to take the votes of the electors of that congregation, for a pastor, if such be their desire: and when this desire shall be expressed by a majority of voices, he shall then proceed to take votes accordingly. In this election, no person shall be entitled to vote who refuses to submit to the censures of the Church, regularly administered; or who does not contribute his just proportion, according to his own engagements, or the rules of that congregation, to all its necessary expenses.

1. Who may vote in the election of a pastor.

a. *Action of the General Presbytery, 1711.*

Agreed that none shall be allowed to vote for the calling of a minister but those that shall contribute for the maintenance of him, and that the major vote of these shall be determinative.—1711, p. 24.

[NOTE.—The above decision of General Presbytery is inserted merely as history. The present law of the Church is contained in Chap. xv, Sec. iv, Form of Government, given above, which has been in force since 1788.]

b. *The presiding officer may not disqualify voters whose standing has not been impaired by judicial process.*

When a meeting of a church duly called is held for the election of elders, may the moderator presiding at such meeting disqualify voters whose standing has not been impaired by regular judicial process? Answered in the negative.—1896, p. 85.

Resolved, That neither the presiding officers of church or congregational meetings, nor the Sessions of churches, possess the power to deprive communicant members in good standing of their right to vote at meetings of the church or of the congregation, except by due process of law in accordance with the provisions of the Book of Discipline—1897, p. 139.

c. *Right of voting not limited to communicants unless expressly so declared.*

In sustaining a *Complaint* of R. J. Breckenridge, D.D., *et al.*, "against the Synod of Kentucky in its action limiting the right of voting in the election of a pastor to communicating members of the Church," the Assembly

Resolved, That the Complaint be sustained; but the Assembly in this judgment does not intend to condemn a practice prevalent in some of our congregations in which the right of voting for pastor is confined to communicants.—1863, p. 71, O. S.

d. *Overture confining the vote to communicants not adopted.*

Overture No. 3, being an Overture from the Presbytery of Saline, "in favor of the enactment of a law requiring that in the election of pastors, none be permitted to vote except communicants in good and regular standing"; also, "that when any candidate is before a church, the church shall determine whether he shall be called to the pastorate before any other candidate shall be heard."

The Committee recommended for answer: That in regard to the first point, the enactment of such a law would prohibit a usage quite extensive among the churches, founded upon an interpretation of the present law which has heretofore been sanctioned by the General Assembly. It is, therefore deemed inexpedient upon the application of a single Presbytery to recommend such alteration in the Form of Government. In regard to the second point, it need only be said that the authority asked for is now possessed by each congregation, and may be exercised or not at its pleasure; while to make such exercise binding by positive law would deprive all congregations of a present liberty the use of which seems wisely left to their discretion.—1867, p. 320, O.S.

e. *All communicant members have right to vote in electing a pastor.*

Overture.—A resolution referred to them by the General Assembly:

Resolved, That it is the judgment of the General Assembly, that all members of the church in full communion have the right to vote in the election of pastor in the congregation with which they are connected.

The Committee recommend that the resolution be affirmed, subject to the conditions mentioned in Chap. xv, Sec. iv, of the Form of Government.—1879, p. 630.

That all communicant members in good standing, of whatever age or sex, and, in addition, all noncommunicants of full age who contribute regularly to church support, in accordance with the rules of the congregations, are qualified voters at meetings for the election of pastors.—1897, p. 138.

f. *Members of the congregation who contribute to the support of the church entitled to vote in the election of a pastor.*

A request from the Presbytery of New Castle for an answer to the following question: "Have members of a congregation, not communicants, who regularly contribute their due proportion of the necessary expenses of the church and congregation, a right to vote in the election of a pastor?" The Committee recommend that the question be answered in the affirmative, in accordance with previous deliverances—with this special appended statement, that the usage of some congregations, which confines the right of voting for a pastor to communicants, is wholly legitimate, and might profitably become more prevalent.—1886, p. 48. (See p. 520, 5).

That it is the right of each one of our congregations, under the Constitution of the Church, to determine by rule the qualifications of non-communicants who are contributors to church expenses, as voters in the election of pastors.—1897, p. 138.

g. *Authoritative lists of voters.*

Resolved, That the rolls of communicant members in good standing in the possession of the clerks of Sessions and the lists of regular contributors in the possession of the secretary or treasurer of the Board of Trustees, shall be the authoritative lists of voters at church and congregational meetings.—1897, p. 139.

V. When the votes are taken, if it appear that a large minority of the people are averse from the candidate who has a majority of votes, and cannot be induced to concur in the call, the presiding minister shall endeavor to dissuade the congregation from prosecuting it further. But if the people be nearly, or entirely, unanimous; or if the majority shall insist upon their right to call a pastor, the presiding minister, in that case, after using his utmost endeavors to persuade the congregation to unanimity, shall proceed to draw a call, in due form, and to have it subscribed by the electors; certifying at the same time, in writing, the number and circumstances of those who do not concur in the call: all which proceedings shall be laid before the presbytery, together with the call.

[NOTE.—The presiding minister should see to it that the call is made in all respects in conformity with the provisions of Chap. xv, Form of Government (see p. 434), that the persons signing the call are empowered to do so by the vote of the congregation, and so certify the Presbytery by his indorsement upon the call.]

VI. The call and certification thereof shall be in the following or like form: viz.

The Congregation of .... being, on sufficient grounds, well satisfied of the ministerial qualifications of you, ... and having good hopes from our past experience of your labors, that your ministrations in the Gospel will be profitable to our spiritual interests, do earnestly call and desire you to undertake the pastoral office in said congregation; promising you in the discharge of your duty all proper support, encouragement and obedience in the Lord. And that you may be free from worldly cares and avocations, we promise and oblige ourselves to pay you the sum of .... yearly in regular .... payments during the time of your being and continuing the regular pastor of this church, together with free use of the manse and .... vacation each year. And we agree to pay or to continue to pay monthly or quarterly in advance to the Board of Pensions a sum equivalent to seven and one half per cent of said salary.

In testimony whereof, we have respectively subscribed our names this ...... day of .... A.D. .... at the request and on behalf of the congregation.

....

....

....

....

I, ... hereby certify that I presided over a duly called and regular meeting of the congregation of .... held .... for the election of a pastor; that the Rev. .... was elected pastor by a .... vote of said congregation; that the persons whose names are subscribed to the call were appointed for the purpose by the congregation that .... were appointed commissioners to prosecute the call, and that the call was in all respects prepared in accordance with the requirements of the Constitution of the Presbyterian Church in the U. S. A.

....

Moderator of Meeting.

1. Early action. Glebe and parsonage recommended.

That in every congregation a Committee be appointed, who shall twice in every year collect the minister's stipend and lay his receipts before the Presbytery preceding the Synod, and at the same time that ministers give an account of their diligence in visiting and catechizing their people.

The Synod recommends that a glebe, with a convenient house and necessary improvements, be provided for every minister.—1766, p. 359.

[Note.—See, also, under No. 5, p. 433.]

2. Adequate provision to be urged.

The Assembly enjoins it upon all the Presbyteries "that they will endeavor, as far as the state of society in different parts of our Church will permit, to withdraw the ministers of the Gospel from every worldly avocation for the maintenance of themselves and families, that they may devote themselves entirely to the work of the ministry; and that for this end they labor to convince the people of the advantage that will accrue to themselves from making such adequate provision for the support of their teachers and pastors, that they may be employed wholly in their sacred calling; and in those places where it may be found prudent and practicable, that they devise means to have the contracts between congregations and pastors examined in the Presbyteries at stated periods, inquiries instituted with regard to the reciprocal fulfillment of duties and engagements, and endeavors used to promote punctuality and fidelity in both parties, before distress on one side or complaint on the other grow to a height unfavorable to the interests of religion.—1799, pp. 181, 182.

3. Liberality in support of the ministry urged.

a. The following preamble and resolution, proposed by Elder Walter S. Griffith, was unanimously adopted:

Whereas, It is highly important to our churches that they be served by competent ministers, who shall be free from worldly cares and avocations; whereas, the law of Christ expressly declares "that they which preach the Gospel should live of the Gospel," and that he "that is taught in the Word" should "communicate unto him that teacheth in all good things," thus making it the solemn duty, as it is clearly the interest, of Christian churches to provide for their ministers a competent and liberal support; whereas, the cost of the necessities of life has advanced so greatly as to render the salaries heretofore paid to many of our ministers entirely inadequate, causing to them and to their families great anxiety and distress; and whereas, this subject demands at this time, and should not fail to attract, the special attention of every Christian; therefore,

Resolved, That the General Assembly earnestly exhort all the churches under their care to consider this question in the spirit of Christian fidelity and liberality, and to make ample provision for those who minister to them in word and doctrine, stipulating so to increase their compensation, when necessary, as to make their salaries fully adequate to their comfortable support, in view of the enhanced expenses of living, and paying the amount agreed upon with honorable and Christian promptitude.—1854, p. 499, N. S.

b. A Memorial from the Synod of New York on the subject of ministerial support was referred to a Committee exclusively of elders, one from each Synod.

Judge Fine from the Special Committee on Ministerial Support, presented a Report, which was read, amended and adopted, the resolutions being as follows, viz.:

1. *Resolved*, That we affectionately and earnestly recommend to the churches under our care that they scrupulously avoid holding out any inducements to a minister to become their stated supply, or settled pastor, which will not be realized.

2. *Resolved*, That we earnestly recommend to every Presbytery that, unless suitable provision be made for the support of a minister or stated supply, they decline to give their aid or sanction, as a Presbytery, to settle him in any congregation which is able to furnish such suitable provision.

3. *Resolved*, That we recommend to the elders and deacons and trustees of our churches and congregations to meet together on some day before the first of November next, and yearly thereafter, or oftener if necessary, and in-

stitute the inquiry whether the minister or stated supply is properly and fully supported, and if they find that he is not so supported, to take immediate measures to increase his support, and report to their Presbytery at its next meeting.

4. *Resolved*, That we recommend to the Presbyteries to require of every minister to preach on the subject of ministerial support—"that, laying aside all false delicacy, they enlighten their people upon this as upon any other branch of Christian duty, pleading not for themselves, but for their Master, if haply they may reclaim their respective charges from a grievous sin which must bring down God's displeasure"—and that the Presbyteries call upon every minister to answer whether he has complied with their injunction.—1854, p. 40, O. S.

[NOTE.—For the Report accompanying the resolutions and ordered to be published and read in the churches, see Baird's *Digest*, revised edition, pp. 199–203.]

4. Presbytery may refuse to install when the salary is insufficient.

From the church of Paris, Ill.: "When a congregation and minister agree on the amount of salary to be paid and received, and both parties, being fully satisfied, request that the pastoral relation be constituted according to the order of the Presbyterian Church, has Presbytery the right to refuse to install because, in their judgment, the salary is insufficient?" Answered in the affirmative.—1855, pp. 272, 282, O. S.

5. Congregations urged to procure parsonages.

a. For the purpose of facilitating the settlement and support of pastors and to guard more effectually against the temptation, or almost necessity, as in some cases seem to exist, for ministers to involve themselves, to the injury of their usefulness, in procuring accommodations for themselves and families,

1. *Resolved*, That it be earnestly recommended to our churches, wherever it is expedient and practicable, to provide suitable parsonages for the accommodation of their pastors.

2. *Resolved*, That great care be taken to have these parsonages so guarded by legal arrangements as most effectually to prevent controversy and secure their perpetual enjoyment by the churches providing them for the continued support of the Gospel through coming generations.—1843, p. 193, O. S.

b. *Resolved*, That the Presbyteries be instructed to appoint Standing Committees on Manses, so that the subject may be brought regularly and statedly before them for consideration, and that information may be disseminated widely among the churches.

Resolved, That ministers and elders be requested to press this matter upon the attention of the churches and people, and strive to create and extend a healthy state of mind and feeling on the subject, and stimulate them in the effort to provide manses, and, even in those churches where the way may not be clear to build at once, urge upon them the work of preparation by securing suitable lots of ground for building when the proper time may come, and that such provision of ground, whether in town or country, should be on a liberal scale.—1872, p. 37.

VII. But if any congregation shall choose to subscribe their call by their elders and deacons, or by their trustees, or by a select committee, they shall be at liberty to do so. But it shall, in such case, be fully certified to the presbytery, by the minister, or other person who presided, that the persons signing have been appointed, for that purpose, by a public vote of the congregation; and that the call has been, in all other respects, prepared as above directed.

VIII. When a call shall be presented to any minister or candidate, it shall always be viewed as a sufficient petition from the people for his installment. The acceptance of a call, by a minister or candidate, shall always be considered as a request, on his part, to be installed at the same time. And when a candidate shall be ordained in consequence of a call from any congregation, the presbytery shall, at the same time, if practicable, install him pastor of that congregation.

1. Installation of pastors-elect insisted on, and none to be designated as such whose call has not been regularly acted on.

The Committee of Bills and Overtures reported the following resolution:

Whereas, It is commonly reported that in several of our Presbyteries the custom prevails, first, of permitting ministers who have received calls from churches to serve such churches through a series of years without installation; and, secondly, of placing the names of such ministers in the statistical tables as pastors-elect (P. E.); and,

Whereas, Such customs are manifestly inconsistent with the express requirements or implications of Form of Government, Chap. xv, Sec. viii, and Chap. xvi, Sec. iii; therefore,

Resolved, That all our Presbyteries be enjoined:

To take order that as soon as possible after a licentiate or ordained minister has been called by a church and the call been approved and accepted such person be installed as pastor of the church calling him.

To place the names of none in the statistical tables as pastors-elect (P. E.) whose calls have not been regularly approved by the Presbytery having charge of the church issuing the call, and who have not signified their acceptance thereof and readiness for installation.—1886, p. 56.

IX. The call, thus prepared, shall be presented to the presbytery, under whose care the person called shall be; that, if the presbytery think it expedient to present the call to him, it may be accordingly presented: and no minister or candidate shall receive a call but through the hands of the presbytery. No change shall be made in the amount of salary stipulated in the call without the consent of presbytery, unless both minister and congregation agree thereto; and only the congregation, regularly assembled, shall have power to bring such a question to the attention of presbytery.

1. The Presbytery may refuse to permit a call.

a. The unfinished business of yesterday, viz., an *Appeal* from a decision of the Synod of Philadelphia affirming a decision of the Presbytery of

Carlisle, in which decision the Presbytery resolved not to put into his hands a call for the Rev. Henry R. Wilson from the congregation of Carlisle.

Resolved, That the decision of the Synod of Philadelphia be affirmed.

And it was accordingly affirmed.—1814, p. 548.

b. The business left unfinished yesterday was resumed, viz., the consideration of the *Appeal* of the Presbytery of Hudson from a decision of the Synod of New York and New Jersey, reversing a decision of said Presbytery, by which the Presbytery determined not to give leave to the congregation of Goodwill to prosecute before the Presbytery of New York a call which they had prepared for the Rev. William Gray, a member of that Presbytery.

It was moved and seconded that the Appeal of the Presbytery of Hudson be sustained. After a full discussion of the subject, the question being taken on this motion, it was determined in the affirmative, and the Appeal was therefore sustained.—1817, p. 644.

c. *No. 1* is an *Appeal* and *Complaint* of the Rev. Mr. Edgar from the action of the Synod of Erie, sustaining the action of the Presbytery of Clarion in refusing to put a call from the church of Collinsburgh into his hands. The Judicial Committee recommend that, as the General Assembly have repeatedly decided that Presbyteries have discretionary power in such cases (see *Digest* [1907], pp. 548, 549), which decisions are clearly in accordance with the Form of Government (see Chap. xv, Sec. ix), therefore, the Appeal and Complaint be dismissed.—1875, p. 510.

[Note.—Cases involving discretionary power now end with the Synod.]

X. If the call be to a licentiate of another presbytery, in that case the commissioners deputed from the congregation to prosecute the call, shall produce, to that judicatory, a certificate from their own presbytery, regularly attested by the moderator and clerk, that the call has been laid before them, and that it is in order. If that presbytery present the call to their licentiate, and he be disposed to accept it, they shall then dismiss him from their jurisdiction, and require him to repair to that presbytery, into the bounds of which he is called; and there to submit himself to the usual trials preparatory to ordination.

[Note.—To facilitate the business and avoid expense and delay, it has become common usage for the candidate to obtain a dismission to the Presbytery within whose bounds the congregation seeking his services is located; then being received by that Presbytery, the proceedings are as in the case of their own candidates.]

1. Candidates, except those for foreign fields, to be ordained by the Presbytery in which they are to labor.

a. *Overture No. 90,* from the Presbytery of Springfield, asking: Is it in accordance with the provisions of the Form of Government for a Presbytery to ordain a candidate for the ministry after a call has been extended to him by a church in another Presbytery? Answer: The last sentence of Chap. xv, Sec. x, of the Form of Government, requires that in such case the Presbytery shall dismiss the candidate to the care of the other Presbytery before ordination.—1905, p. 207.

b. *Overture No. 240*, from the Presbytery of Union, asking as to the proper Presbytery to ordain a candidate for the ministry. "The Presbytery of Union overtures the General Assembly to define more clearly the ordination of a candidate for the ministry who has been invited to labor under the supervision of the Home Mission Committee in another Presbytery, and who serves a Home Mission field simply as a stated supply. Should the Presbytery with which he is connected as a candidate, or the Presbytery within whose bounds he expects to labor, ordain him? Does the last sentence of Chap. xv, Sec. x, of the Form of Government cover all cases of ordination, including home and foreign missionaries who act merely as stated supplies?" It is recommended that the following reply be given:

1. The ordination of a candidate for the ministry who has been invited to labor under the supervision of the Home Mission Committee in another Presbytery, and who serves a home mission field as a stated supply, should ordinarily be conducted by the Presbytery within whose bounds he expects to labor.

2. The last sentence of Chap. xv, Sec. x, of the Form of Government does not include foreign missionaries.—1906, p. 195.

XI. Trials for ordination, especially in a different presbytery from that in which the candidate was licensed, shall consist of a careful examination as to his acquaintance with experimental religion; as to his knowledge of philosophy, theology, ecclesiastical history, the Greek and Hebrew languages, and such other branches of learning as to the presbytery may appear requisite; and as to his knowledge of the constitution, the rules and principles of the government and discipline of the church; together with such written discourse, or discourses, founded on the word of God, as to the presbytery shall seem proper. The presbytery, being fully satisfied with his qualifications for the sacred office, shall appoint a day for his ordination, which ought to be, if convenient, in that church of which he is to be the minister. It is also recommended that a fast day be observed in the congregation previous to the day of ordination.

1. Ordination on the Sabbath discouraged, but at the discretion of the Presbytery.

An *Overture* was received from the Presbytery of Orange, requesting the opinion of the General Assembly on the question whether it be proper to ordain licentiates to the office of the Gospel ministry on the Sabbath day. The General Assembly think it would not be for edification to adopt a uniform rule on the subject. In general they think it is not expedient that ordinations should take place on the Sabbath, yet that there may be cases in which urgent or peculiar circumstances may demand them. The Assembly, therefore, judged it best to leave it to the Presbyteries to act in this concern as they may judge that their duty requires.—1821, p. 10.

2. The licensing and ordaining of a candidate at the same meeting not commended.

Overture No. 89, from the Presbytery of Springfield, asking: Is the practice of licensing and then ordaining candidates for the ministry at the same meeting of Presbytery in accordance with the provisions of the Form of Government? If not, how much time shall elapse between licensure and ordination? Answer: Though such a practice is not commended except in rare circumstances, it does not violate any specific rules of the Form of Government.—1905, p. 207.

XII. The day appointed for ordination being come, and the presbytery convened, a member of the presbytery, previously appointed to that duty, shall preach a sermon adapted to the occasion. The same, or another member appointed to preside, shall afterward briefly recite from the pulpit, in the audience of the people, the proceedings of the presbytery preparatory to this transaction: he shall point out the nature and importance of the ordinance; and endeavor to impress the audience with a proper sense of the solemnity of the transaction.

Then, addressing himself to the candidate, he shall propose to him the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures?

3. Do you approve of the government and discipline of the Presbyterian Church in these United States?

4. Do you promise subjection to your brethren in the Lord?

5. Have you been induced, as far as you know your own heart, to seek the office of the holy ministry from love to God, and a sincere desire to promote his glory in the gospel of his Son?

6. Do you promise to be zealous and faithful in maintaining the truths of the gospel, and the purity and peace of the Church; whatever persecution or opposition may arise unto you on that account?

7. Do you engage to be faithful and diligent in the exercise of all private and personal duties, which become you as a Christian and a minister of the gospel; as well as in all relative duties, and the public duties of your office; endeavoring to adorn the profession of the gospel by your conversation; and walking with exemplary piety before the flock over which God shall make you overseer?

8. Are you now willing to take the charge of this congregation, agreeably to your declaration at accepting their call? And do you promise to discharge the duties of a pastor to them, as God shall give you strength?

1. The assent embraces the Larger and Shorter Catechisms.

Overture No. 1. The following inquiry from members of the Presbytery of Nashville: "When ministers and other officers are ordained in the Presbyterian Church, and give an affirmative answer to the question, Do you sincerely receive and adopt the Confession of this Church as containing the system of doctrines taught in the Holy Scriptures? are such ministers and officers to be understood as embracing and assenting to the doctrines, principles, precepts and statements contained in the Larger and Shorter Catechisms in the same unqualified sense in which they are understood to embrace and assent to the doctrines, principles, precepts and statements contained in other parts of the Confession of Faith?"

The Committee recommended that the question be answered in the affirmative; and the recommendation was adopted.—1848, p. 18, O. S.

[NOTE.—See deliverance of Assembly of 1729, pp. 94, 95; 1735, pp. 118, 119; 1744 p. 171; 1750, p. 243; 1758, pp. 286, 287; 1832, p. 372, on The Catechisms an Integral part of the Standards, *Digest*, 1930, Vol II, pp. 9, 11.]

2. Ordination by a commission is unconstitutional.

[NOTE.—See under Form of Government, Chap. x Sec. vii, p. 170, 171; *Minutes*, 1894, p. 76.]

XIII. The candidate having answered these questions in the affirmative, the presiding minister shall propose to the people the following questions:—

1. Do you, the people of this congregation, continue to profess your readiness to receive   whom you have called to be your minister?

2. Do you promise to receive the word of truth from his mouth, with meekness and love; and to submit to him in the due exercise of discipline?

3. Do you promise to encourage him in his arduous labor, and to assist his endeavors for your instruction and spiritual edification?

4. And do you engage to continue to him, while he is your pastor, that competent worldly maintenance which you have promised; and whatever else you may see needful for the honor of religion, and his comfort among you?

XIV. The people having answered these questions in the affirmative, by holding up their right hands, the candidate shall kneel down in the most convenient part of the church. Then the presiding minister shall, by prayer, and with the laying on of the hands of the presbytery, according to the apostolic example, solemnly ordain him to the holy office of the gospel ministry. Prayer being ended, he shall rise from his knees; and the minister who presides shall first, and afterward all the members of the presbytery in their order, take him by the right hand, saying, in words to this purpose, "We give you the right hand of fellowship, to take part of this ministry with us." After which the minister presiding, or some other appointed for the purpose, shall give a solemn charge in the name of God, to the newly ordained bishop, and to the people, to persevere in the discharge of their mutual duties; and shall then, by prayer, recommend them both to the grace of God, and his holy keeping, and finally, after singing a psalm, shall dismiss the congregation with the usual blessing. And the presbytery shall duly record the transaction.

1. Lay ordination invalid.

The Committee to whom was referred *Overture No. 15*, viz., on ordination by a deposed minister or by laymen, made the following report, which was adopted, viz.:

That this Paper contains a letter from a minister in South Carolina to the Stated Clerk, requesting him to obtain a decision of the General Assembly on the question, "whether the ordination of a minister of the Gospel by the interposition of the hands of the laity is valid?"

That the answer to this question should be in the negative is so obvious and evident on all correct principles of ecclesiastical order, that your Committee are of opinion that it is unnecessary for the General Assembly to give any further consideration to the subject.—1832, p. 366.

2. Elders not to participate in the ordination of ministers by the laying on of hands.

[Note.—See above, under Form of Government, Chap. v, "Of Ruling Elders," p. 88, No. 10.]

3. An elder, being moderator of Presbytery, cannot preside at the ordination of a minister, nor propound the Constitutional questions, nor take part in the laying on of hands of the Presbytery, nor make the ordaining prayer.

An *Overture* from the Presbytery of Freeport, asking: Can an elder being moderator of Presbytery, preside at the ordination of a minister, propound the Constitutional questions, take part in the laying on of the hands of the Presbytery, and make the ordaining prayer?

Answer: The Form of Government, Chap. xv, Sec. xii, speaks of "a member of Presbytery appointed to preside" at the ordination of a minister. Sec. xiii refers to this officer as "the presiding minister." Sec. xiv says, "the presiding minister shall by prayer and with the laying on of the hands of the Presbytery . . . solemnly ordain." That this "laying on of hands" does not include the elders is clear from the subsequent Record, that all the members take the newly ordained minister by the hand, saying, "We give you the right hand of fellowship, to take part of this ministry with us."

The Assembly therefore answers that "an elder being moderator of Presbytery" cannot preside at the ordination of a minister, nor propound the Constitutional questions, nor take part in the laying on of the hands of the Presbytery, nor make the ordaining prayer.—1890, p. 113. (See pp. 87–89).

4. Licentiate when ordained ceases to be a member of a local church.

Overture No. 38, from the Presbytery of Muncie, inquiring concerning the relation to his local church of a licentiate who has been ordained, and suggesting that the local church be directed to give such a licentiate a letter of dismission to the Presbytery. Your Committee report that such a person, when ordained, thereby ceases to be a member of the local church to which he belongs; that the local church cannot give him a letter of dismission to Presbytery, but that he should at once advise the church of the fact that he has been ordained, in order that his name may be erased from its roll.—1901, p. 63.

5. The part which ministers of other bodies may take in ordinations and installations.

Overture, from the Presbytery of Zanesville, on the part which ministers of other bodies may take in Presbyterial proceedings in ordinations and installations. Your Committee would recommend the following answer: The spirit of the directions of our Form of Government indicates that, in all ordinary cases, the charges should be given by members of the Presbytery; recognizing, however, the episcopal power of the Presbytery to deal with special cases as discretion may direct.—1893, p. 71.

XV. As it is sometimes desirable and important that a candidate who has not received a call to be the pastor of a particular congregation, should, nevertheless, be ordained to the work of the gospel ministry, as an evangelist to preach the gospel, administer sealing ordinances, and organize churches, in frontier or destitute settlements; in this case, the last of the preceding questions shall be omitted, and the following used as a substitute:—viz.

Are you now willing to undertake the work of an evangelist; and do you promise to discharge the duties which may be incumbent on you in this character as God shall give you strength?

1. Ordination as an evangelist to labor in feeble churches.

Is it or is it not in accordance with the principles of the Presbyterian Church to ordain evangelists to labor in fields having feeble churches which are not able to support a pastor, and are too remote conveniently to secure the services of an ordained minister?

To ordain evangelists under the specified circumstances is in accordance with the practice of the Church, and is no infraction of any of its laws.—1850, p. 454, O. S.

2. Ordination of a licentiate who proposes to continue teaching.

The Presbytery of Philadelphia submitted to the Assembly for their decision the case of Mr. John Jones, a licentiate under their care, who at their last sessions had requested that the Presbytery would take measures to ordain him *sine titulo*.

The Presbytery stated that Mr. Jones had been a licensed candidate for a number of years; that he had always sustained a good and consistent character; that he was engaged in teaching an academy, and was so circumstanced that his being ordained might render him more extensively useful. The Assembly, having considered the case,

Resolved, That the Presbytery of Philadelphia be permitted and authorized to ordain Mr. Jones to the work of the Gospel ministry *sine titulo*, provided the Presbytery, from a full view of his qualifications and other attending circumstances, shall think it expedient so to ordain him.—1807, p. 386.

3. Presbyteries should not ordain the candidates of other Presbyteries.

1. That it be earnestly recommended to all our Presbyteries not to ordain *sine titulo* any men who propose to pursue the work of their ministry in any sections of the country where a Presbytery is already organized to which they may go as licentiates and receive ordination.

2. That the several bodies with which we are in friendly correspondence in the New England States be respectfully requested to use their counsel and influence to prevent the ordination, by any of their councils or consociations, of men who propose to pursue the work of the ministry within the bounds of any Presbytery belonging to the General Assembly of the Presbyterian Church, and that the delegates from this Assembly to those bodies respectively be charged with communicating this resolution.—1834, p. 428.

4. Ordination sine titulo.

The Synod would bear testimony against the late too common, and now altogether unnecessary, practice of some Presbyteries in the north of Ireland, viz., their ordaining men to the ministry *sine titulo* immediately before they come over hither, thereby depriving us of our just rights, viz., that we, unto whom they are designed to be co-Presbyters, and among whom they design to bestow their labors, should have just and fair inspecting into their qualifications; we say it seems necessary that the Synod bear testimony against such practice by writing home to the General Synod, thereby signifying our dissatisfaction with the same.—1735, p. 119.

[Note.—See for particular cases, Moore's *Digest*, 1886, pp. 413–415. The early usage was for the Presbytery proposing to ordain a licentiate *sine titulo* to ask the consent of the General Synod, and after 1789 of the General Assembly. *Minutes*, 1764, p. 337; 1775, p. 465; 1795, p. 98; 1798, p. 146; 1799, p. 172; 1805, p. 337; 1809, p. 415; 1810, p. 459.]

5. Overture on ordination sine titulo rejected.

a. The following *Overture* was brought in and read, viz.:

In what cases, except the one provided for in the fifteenth chapter of the Constitution of our Church, may a Presbytery ordain a man to the work of the Gospel ministry without a call to a particular charge?—1810, p. 456.

This Overture was referred to Drs. Miller and Green, Messrs. Nathan, Grier, Anderson, and Campbell, as a Committee.—1811, p. 464.

This Committee reported as follows, viz.:

Whereas, There may exist cases in which it may be needful for Presbyteries to ordain without a regular call; but as the frequent exercise of this power may be dangerous to the Church, and as this case does not appear to be fully provided for in our Constitution and Book of Discipline,

Resolved, That the following rule be submitted to the Presbyteries for their opinion and approbation, which, when sanctioned by a majority of the Presbyteries belonging to the Church, shall become a Constitutional rule, viz.:

That it shall be the duty of Presbyteries when they think it necessary to ordain a candidate without a call to a particular congregation or congregation to take the advice of their respective Synods or of the General Assembly before they proceed to this ordination.—1811, p. 474.

Answered in the negative—11 to 7—and the subject dismissed.—1812, p. 494.

b. In 1813 another rule was proposed viz.: The rule proposed and on which an affirmative or negative vote of the Presbyteries is required is in the following words, viz.:

It shall be the duty of Presbyteries, when they think it necessary to ordain a candidate without a call to a particular pastoral charge to take the advice of a Synod or of the General Assembly before they proceed to such ordination.—1813, p. 524.

Of the Presbyteries answering this Overture twenty-six replied in the negative and four in the affirmative.—1814, p. 558.

6. Censure of Synod for ordination sine titulo not sustained.

The Records of the Synod of Illinois were, on the recommendation of the Committee, approved, with the exception of a censure, on p. 209, of the action of Knox Presbytery, for ordaining a man when there was no call from any part of the Church.—1843, p. 17, N. S.

[Note—The whole matter is at the discretion of the Presbytery.]

7. Missionaries may not ordain ministers.

[Note.—See this *Digest*, p. 173, 8; also below, 9.]

8. Nor organize a church within the limits of a Presbytery without leave of the Presbytery.

No church shall be organized by a missionary within the limits of any Presbytery, unless authority has previously been obtained from the Presbytery.—1883, p. 644.

9. Ordination of ministers in foreign mission fields.

a. *Overture No. 68*, being a communication from the Board of Foreign Missions, relating to the ordination of ministers in foreign mission fields, and requesting the Assembly "to take such action and give such authorization as it may, in its wisdom, deem proper, to make it possible for the ordained foreign missionaries in foreign mission fields, where there are no Presbyteries, to proceed in an orderly way with the organization of churches and the ordination of ministers and elders."

Your Committee would unanimously recommend that in foreign mission fields, where there is no organized Presbytery and where conditions are such that it is deemed inexpedient to organize one, the mission, through its ordained members (who shall be not less than three in number), is hereby given power to ordain worthy and suitable men to the ministry and eldership, and to organize churches, until the time when it shall become practicable to organize a Presbytery, into which, when organized, such ordained persons would naturally be received, *ad eundem.*

And it is herewith enacted, that this regulation shall be an established rule of the Presbyterian Church for all foreign mission fields; it being understood that such procedure is to be regarded as an emergency act, to be allowed by the General Assembly only during the period of a mission's life as indicated in the preceding paragraph; that it is not intended as a permanent law of the Church, and that it has no force in any field where there is already an established Presbytery; and that all native ministers and elders thus ordained shall have ecclesiastical standing in their own lands only; and that the names of those thus ordained shall be reported by the mission, through the Foreign Board, to the General Assembly annually. All of which is respectfully submitted.—1916, p. 246.

b. *Petition 1.* Your Committee on Polity would recommend the following answer:

The General Assembly of 1916 received a communication from the Board of Foreign Missions relating to the ordination of ministers in foreign mission fields, and requesting the Assembly "to take such action and give such authorization as it may, in its wisdom, deem proper, to make it possible for the ordained foreign missionaries in foreign mission fields, where there are no Presbyteries to proceed in an orderly way with the organization of churches and the ordination of ministers and elders."

The General Assembly of 1916 adopted the following reply: "That where there is no organized Presbytery and where conditions are such that it is deemed inexpedient to organize one, the mission, through its ordained members (who shall be not less than three in number), is hereby given power to ordain worthy and suitable men to the ministry and eldership, and to organize churches, until the time when it shall become practicable to organize a Presbytery, into which, when organized, such ordained persons would naturally be received, *ad eundem.*

And it is herewith enacted, that this regulation shall be an established rule of the Presbyterian Church for all foreign mission fields; it being understood that such procedure is to be regarded as an emergency act, to be allowed by the General Assembly only during the period of a mission's life as indicated in the preceding paragraph; that it is not intended as a permanent law of the Church, and that it has no force in any field where there is already an established Presbytery; and that all native ministers and elders thus ordained shall have ecclesiastical standing in their own lands only; and that the names of those thus ordained shall be reported by the mission, through the Foreign Board, to the General Assembly annually." (Minutes G. A., 1916, p. 246.)

It would seem, therefore, that what the Colombia Mission is requesting is but an extension of the powers granted by the General Assembly of 1916, and there appears to be no constitutional reason why such increased powers should not be granted to a foreign mission of the Presbyterian Church in the U. S. A. under the same safeguards and restrictions as are emphasized in the grant of power of 1916.

We, therefore, recommend the following reply to the petition: That where there is no organized Presbytery and where conditions are such that it is deemed inexpedient to organize one, the mission through its ordained members (who shall be not less than three in number) is hereby given power to exercise all the powers conferred upon a Presbytery as defined in Form of Government, Chapter X, Section VII, until the time when it shall become practicable to organize a Presbytery, or until said grant of power is withdrawn by the General Assembly.

And it is herewith enacted that until further notice this regulation shall be an established rule of the Presbyterian Church for all foreign mission fields; it being understood that such procedure is to be regarded as an emergency act, to be allowed by the General Assembly only until a Presbytery has been organized and that it has no force in any field where there is already an established Presbytery.

It is further understood that any mission of the Presbyterian Church in the U. S. A. desiring to avail itself of the above provisions shall first obtain the approval of the Board of Foreign Missions and of the General Assembly. Upon receipt of said approval the mission shall direct its ordained missionaries to elect from their own number a moderator, and a clerk who shall be enjoined to keep a full and fair record of all acts performed under the above authorization. Said record shall be spread in full upon the minutes of the mission and a copy certified by moderator and clerk shall be transmitted annually through the Board of Foreign Missions to the General Assembly for its examination and approval. It is further understood that all natives receiving licensure or ordination under the above provisions shall have the consequent ecclesiastical standing in their own lands only.—1929, p. 132.

XVI. Ministers connected with other denominations, applying for membership in a presbytery, shall submit satisfactory evidence of possessing the qualifications of character and scholarship required of candidates and licentiates of this Church; shall be examined in theology, and in the discretion of presbytery in other subjects, and shall answer in the affirmative, questions 1 to 8, contained in section xii of this chapter.

1. Reception of ministers from the Presbyterian Church in the U. S.

Overture No. 34, from the Presbytery of Platte, asking as to the conditions of the reception of ministers from the Presbyterian Church in the United States.

It is recommended that the following answer be given: That ministers coming to us from any Presbytery of the Presbyterian Church in the United States may be received on the same basis as those coming to us from one of our own Presbyteries.—1898, p. 133.

2. Scholastic requirements of ministers applying from other denominations.

Overture No. 298, from Monroe Presbytery, asking that the General Assembly request the Presbyteries not to receive men from other denominations unless they meet the full Presbyterian requirements of a college degree, or its equivalent, and a seminary diploma. It is recommended that the following answer be given: The power of Presbytery in such cases is fully covered by Chap. xv, Sec. xvi of our Form of Government, and this Assembly instructs Presbyteries faithfully to observe the instructions given them in cases of this nature, as set forth in our Form of Government —1917, p. 194.

CHAPTER XVI.

OF TRANSLATION, OR REMOVING A MINISTER FROM ONE CHARGE TO ANOTHER.

I. No bishop shall be translated from one church to another, nor shall he receive any call for that purpose, but by the permission of the Presbytery.

1. Removal without consent of Presbytery.

The Presbytery of East Jersey having reported that Mr. John Cross has, without the concurrence of Presbytery, removed from one congregation to another, the Synod do declare that the conduct of such ministers . . . that take charge of any congregation without the Presbyteries' concurrence, to be disorderly and justly worthy of Presbyterial censure, and do admonish said Mr. Cross to be no further chargeable with such irregularities in the future.—1735, p. 115.

II. Any church, desiring to call a settled minister from his present charge, shall, by commissioners properly authorized, represent to the presbytery the ground on which they plead his removal. The presbytery, having maturely considered their plea, may, according as it appears more or less reasonable, either recommend to them to desist from prosecuting the call, or may order it to be delivered to the minister to whom it is directed. If the parties be not prepared to have the matter issued at that presbytery, a written citation shall be given to the minister and his congregation, to appear before the presbytery at their next meeting. This citation shall be read from the pulpit in that church, by a member of the presbytery appointed for that purpose, immediately after public worship; so that at least two Sabbaths shall intervene betwixt the citation and the meeting of the presbytery at which the cause of translation is to be considered. The presbytery being met, and having heard the parties, shall, upon the whole view of the case, either continue him in his former charge, or translate him, as they shall deem to be most for the peace and edification of the church; or refer the whole affair to the synod at their next meeting, for their advice and direction.

1. Consent of the parties may shorten the process.

a. In the Constitution, as originally adopted, citation of the parties was required in all cases. By the Assembly of 1804, p. 305, it was proposed to strike out "together with a written citation," and insert "if the parties be not prepared to have the matter issued at that Presbytery a written citation shall be given to the minister."

The amendment was adopted.—1805, p. 333. In a note accompanying the Overture, the Assembly say, "This amendment is intended to provide that consent of parties shall shorten the Constitutional process for translating a minister."—1804, p. 305.

b. Chap. xvi, Sec. ii, provides that where the parties are prepared for the dissolution of a pastoral relation, it may be dissolved at the first meeting of the Presbytery.—1886, p. 47, O. S.

[NOTE.—See p. 401.]

III. When the congregation calling any settled minister is within the limits of another presbytery, that congregation shall obtain leave from the presbytery to which they belong, to apply to the presbytery of which he is a member; and that presbytery, having cited him and his congregation as before directed, shall proceed to hear and issue the cause. If they agree to the translation, they shall release him from his present charge; and having given him proper testimonials, shall require him to repair to that presbytery, within the bounds of which the congregation calling him lies, that the proper steps may be taken for his regular settlement in that congregation: and the presbytery to which the congregation belongs, having received an authenticated certificate of his release, under the hand of the clerk of that presbytery, shall proceed to install him in the congregation, as soon as convenient. Provided always, that no bishop or pastor shall be translated without his own consent previously obtained.

IV. When any minister is to be settled in a congregation, the installment, which consists in constituting a pastoral relation between him and the people of that particular church, may be performed either by the presbytery, or by a committee appointed for that purpose, as may appear most expedient: and the following order shall be observed therein:

1. Installation services should be held in each one of grouped churches.

Overture No. 615, relating to pastoral installations, asking for a specific deliverance in answer to the following question:

"Certain churches grouped in a pastoral charge have held one installation service for all the churches of the group, representatives being present from the other churches of the group and answering the Constitutional questions for their churches. Is this one service held for a group of churches in harmony with Chap. xvi, Sec. iv, of the Form of Government, or does the Form of Government require that an installation service be held in each church of a group of churches forming a pastoral relation?"

Answer: It is necessary that the installation service be held in each church. —1914, p. 155.

V. A day shall be appointed for the installment at such time as may appear most convenient, and due notice thereof given to the congregation.

VI. When the presbytery, or committee, shall be convened and constituted, on the day appointed, a sermon shall be delivered by some one of the members previously appointed thereto; immediately after which, the bishop who is to preside shall state to the congregation the design of their meeting, and briefly recite the proceedings of the presbytery relative thereto. And then, addressing himself to the minister to be installed, shall propose to him the following or similar questions:

1. Are you now willing to take the charge of this congregation, as their pastor, agreeably to your declaration on accepting their call?

2. Do you conscientiously believe and declare, as far as you know your own heart, that in taking upon you this charge, you are influenced by a sincere desire to promote the glory of God, and the good of his Church?

3. Do you solemnly promise, that, by the assistance of the grace of God, you will endeavor faithfully to discharge all the duties of a pastor to this congregation, and will be careful to maintain a deportment in all respects becoming a minister of the gospel of Christ, agreeably to your ordination engagements?

To all these having received satisfactory answers, he shall propose to the people the same or like questions as those directed under the head of ordination; which, having been also satisfactorily answered, by holding up the right hand in testimony of assent, he shall solemnly pronounce and declare the said minister to be regularly constituted the pastor of that congregation. A charge shall then be given to both parties, as directed in the case of ordination; and, after prayer, and singing a psalm adapted to the transaction, the congregation shall be dismissed with the usual benediction.

VII. It is highly becoming, that, after the solemnity of the installment, the heads of families of that congregation who are then present, or at least the elders, and those appointed to take care of the temporal concerns of that church, should come forward to their pastor, and give him their right hand, in token of cordial reception, and affectionate regard.

CHAPTER XVII.

OF RESIGNING A PASTORAL CHARGE.

I. When any minister shall labor under such grievances in his congregation, as that he shall desire leave to resign his pastoral charge, the presbytery shall cite the congregation to appear, by their commissioners, at their next meeting, to show cause, if any they have, why the presbytery should not accept the resignation. If the congregation fail to appear, or if their reasons for retaining their pastor be deemed by the presbytery insufficient, he shall have leave granted to resign his pastoral charge, of which due record shall be made; and that church shall be held to be vacant, till supplied again, in an orderly manner, with another minister: and if any congregation shall desire to be released from their pastor, a similar process, *mutatis mutandis,* shall be observed.

1. Whether the relation shall be dissolved at the meeting where the request is made left to the discretion of the Presbytery.

The Committee on *Overture No. 9*, viz.: Advice asked respecting the following question of order by the Presbytery of Otsego, "Is it contrary to Chap. xvii of the Form of Government, for a Presbytery to dissolve the connection between a minister and his congregation at the time when he presents his request for his dissolution, and the congregation joins issue by commissioners duly appointed for that purpose?" made the following Report, which was adopted, viz.:

Resolved, That it is not expedient for this Assembly to give a decided answer to the question, but to leave every Presbytery to act according to their own discretion in the premises.—1832, p. 373.

2. If the parties are agreed, the relation may be dissolved at the first meeting.

Overture from the Synod of New Jersey, proposing the following query: "Is it the intent of Chap. xvii of the Form of Government that a minister desiring to resign his pastoral charge shall in all cases first make his request known to the Presbytery?"

The Committee recommend that it be answered in the negative, for the reason that Chap. xvi, Sec. ii, provides that where the parties are prepared for the dissolution of a pastoral relation it may be dissolved at the first meeting of Presbytery.—1866, p. 47, O. S.

3. A pastoral relation ceases with the action of the Presbytery dissolving it, when no other time is designated.

Does a pastoral relation cease with the action of the Presbytery dissolving such relation, when no other time for its termination is explicitly fixed by the Presbytery? Answered in the affirmative.—1896, p. 91.

[Note—*Complaint* of D. R. Breed, *et al.*, *vs.* Synod of Pennsylvania.]

4. A meeting of the congregation without the presence and co-operation of the pastor valid, he having requested the dissolution.

Case No. 4, the Complaint of the Rev. W. P. Carson against Synod of Iowa, for dismissing his Complaint against the Presbytery of Dubuque. The Presbytery, upon application both of the pastor and the congregation dissolved the pastoral relation, and Mr. Carson complained to Synod. on the ground that the Session and trustees united in calling the meeting of the congregation, without the presence or coöperation of the pastor, at which action was taken asking for the dissolution of the pastoral relation. The Committee recommend that the Complaint be dismissed, there being no sufficient ground of complaint.—1868, p. 612, O. S.

5. Where a Synod on appeal dissolves the pastoral relation on the Petition of a minority, it is sustained.

The Report of the Commission on *Judicial Case No. 2* was adopted, and is as follows:

This case originated in a Petition presented to the Presbytery of Ohio, December 27, 1866, asking the dissolution of the pastoral relation existing between the Rev. William Hunter and the church of Hopewell. The reasons of this Petition were based upon troubles in the congregation which arose out of a state of things upon which Presbytery and Synod had already acted. This Petition was signed by a minority. A counter-petition was presented from a large majority of the congregation, begging the continuance of the pastoral relation. Presbytery refused by a small majority to dissolve the relation. The case was then taken by a Complaint of the minority of the congregation to the Synod of Pittsburgh. Synod sustained the Complaint by a vote of 50 yeas to 11 nays, and by a unanimous vote directed the Presbytery of Ohio to dissolve the pastoral relation. From this action of Synod an Appeal is made to the Assembly by Joseph Connell, of the church of Hopewell, for the following reasons:

1. Because the pastoral relation between the Rev. William Hunter and the congregation is ordered to be dissolved on the Petition of less than one fourth of the members of the congregation, greatly against the will of the congregation and to our injury, and in contravention of our Christian and Constitutional rights.

2. Because the petitioners were not only a small minority, but because some of them were not members of the congregation and those who were members had lost their status, they having for more than a year neither communed in the church nor contributed their just proportion of the expenses of the congregation.

3. Because the decision of Synod is highly injurious to the pastor as well as to the congregation, and hurtful also to the cause of truth, righteousness and equity, as taught in the Holy Scriptures and assured to congregations and pastors by our Church Standards.

All the Papers and Records relating to the case were read before the Commission, and all the parties desiring a hearing were heard.

It appeared that the principal cause, if not the origin, of these difficulties, was the use of harsh and intemperate language on the part of Mr. Hunter toward some of his parishioners. This led to charges and a trial before the Presbytery, the result of which was an admonition to Mr. Hunter to "restrain his temper and cultivate a meek and quiet spirit." In connection with this trial the request of petitioners for the removal of Mr. Hunter was granted, and the pastoral relation dissolved. From this act of dissolution Mr. Hunter appealed to Synod, who sustained his Appeal on account of deficiency in the Records.

A new application for the dissolution of the pastoral relation was then made to Presbytery by the discontented minority, based upon the existing troubles, which was refused, as already stated, by a small majority of Presbytery, but granted by a unanimous vote of Synod.

The facts and statements of the parties satisfied your Commission that, while a majority of the congregation clung to Mr. Hunter, he had taken such a course as to alienate a part of the people and seriously to impair his usefulness in that congregation. The matter has been for two years before Presbytery, and they have sought to secure a reconciliation by sending Committees to confer with the people, but to no purpose. And the case has become so complicated in Presbytery as to divide that body about equally. When Synod came to decide upon the merits of the case, their judgment was unanimous against the continuance of the pastoral relation.

Your Commission had this case several days before them, and bestowed upon it careful consideration, and have unanimously determined to report to the Assembly that the sense of this Commission is that the interests of the church of Hopewell require the dissolution of the pastoral relation, and that they agree with the decision of Synod, and they recommend the following Minute:

This Assembly recognizes the right of each congregation to decide whether a pastor is acceptable to them, and the wishes of a majority are to be set aside only for weighty reasons; yet such a state of things may exist between the pastor and a portion of his people as shall require, for the fair name of religion, that the relation be dissolved; and for this reason the Appeal and Complaint of Joseph Connell against the Synod of Pittsburgh is not sustained.—1868, pp. 648, 649, O. S.

6. The rule should be strictly observed and enforced.

Overture.—The Committee have had before them an Overture on "The Perils of a Degraded Ministry." The title is infelicitous, and fails to present the true design of the Paper, which sets forth the well-known difficulties that attend the loose notions prevailing in regard to the permanence of the pastoral relation and the mutual obligations of pastor and people. There are many statements in the Overture which deserve attention, and might be properly spread before the churches in the form of a tract or other publication. The Committee would, however, recommend the following answer:

Whereas, The frequent dissolution of the pastoral relation is a growing evil in our Church, arising largely out of the loose opinions which prevail as to the relation of pastor and people, and the influence of men who regard more the financial than the spiritual interests of the Church: therefore,

Resolved, 1. That the Presbyteries be reminded of the necessity of giving clear and full instruction on the subject at the time of the installation of pastors.

2. That Chap. xvii of our Form of Government, in its spirit and letter, should be strictly observed by all our pastors and churches, and that our Presbyteries be enjoined to seek its rigid enforcement.—1880, p. 77.

7. Presbytery may dissolve a pastoral relation, without a meeting of the congregation being held.

Overture from the Synod of Missouri, asking: Is it legal for a Presbytery to dissolve a pastoral relation without a regularly called meeting of the congregation being had, and its action touching the pastoral relation reported to the Presbytery?

Answer: Yes.—1890, p. 47.

II. When any minister shall resign his charge by reason of age or incapacity for further labor, and the congregation shall be moved by affectionate regard for his person and gratitude for his ministry among them, to desire that he should continue to be associated with them in an honorary relation, they may, at a regularly called meeting, elect him as pastor emeritus, with or without salary, but with no pastoral authority or duty. This action shall be subject to the approval of presbytery, and shall take effect upon the formal dissolution of the pastoral relation.

1. Questions as to pastor emeritus.

Overture No. 22, from the Presbytery of San Francisco, requesting a deliverance on the tenure of office of pastor emeritus, and asking three questions:

"1. Is the office of pastor emeritus a lifelong office, or can it be terminated at the will of the congregation, without cause?

"2. Can a Presbytery dissolve the relation of a pastor emeritus to any particular church, without his consent, so long as the pastor emeritus is a member of said Presbytery in good and regular standing?

"3. Should a congregation vote to grant a salary with the office of pastor emeritus, without specifying any time limit, and Presbytery approve of the same, can the church at any future time vote to discontinue the salary, without the consent of the pastor emeritus?"

In answer to these questions, we recommend the following replies:

1. Inasmuch as the relation of pastor emeritus to a congregation requires the approval of Presbytery for its establishment, it cannot be terminated, therefore, without the consent of Presbytery.

2. Presbytery has power to dissolve the relationship of pastor emeritus, as it can that of a regular pastor; but we advise that caution be exercised in terminating such relations, lest injury be done to the feelings and interests of aged servants of God.

3. A congregation, having once voted a salary to a pastor emeritus, without specifying any time limit, cannot discontinue said salary without the consent of the pastor emeritus, unless by action of Presbytery.—1909, p. 188.

CHAPTER XVIII.

OF MISSIONS.

When vacancies become so numerous in any presbytery that they cannot be supplied with the frequent administration of the word and ordinances, it shall be proper for such presbytery, or any vacant congregation within their bounds, with the leave of the presbytery, to apply to any other presbytery, or to any synod, or to the General Assembly, for such assistance as they can afford. And, when any presbytery shall send any of their ministers or probationers to distant vacancies, the missionary shall be ready to produce his credentials to the presbytery or presbyteries, through the bounds of which he may pass, or at least to a committee thereof, and obtain their approbation. And the General Assembly may, of their own knowledge, send missions to any part to plant churches, or to supply vacancies: and, for this purpose, may direct any presbytery to ordain evangelists, or ministers without relation to particular churches: provided always, that such missions be made with the consent of the parties appointed; and that the judicatory sending them, make the necessary provision for their support and reward in the performance of this service.

[NOTE.—For a full account of the earlier missions of the Church, and of the origin and progress of the work culminating in the present Board of Home Missions, see *New Digest* (Moore, 1861), pp. 319–341; annual *Minutes*, N. S., from 1861 to 1869; also, Baird's *Digest*, rev. ed., pp. 321–360; annual *Minutes*, O. S., from 1838 to 1869. See also Vol. II, pp. 648–668 of *Digest*, 1930, for later development.]

1. The relation between the Board of Home Missions and Synods and Presbyteries in carrying on mission work.

a. *Overtures 192* to *220* and *348*, from the Presbytery of Adams and other Presbyteries, asking the Assembly "to define clearly and specifically the functions, powers and prerogatives of the Board of Home Missions as related to the Presbyteries and Synods," and in answer to the following questions: "Has the Board the Constitutional right to initiate and direct the work and the workers in organizing Presbyteries?" "Are the functions of the Board ministerial or executive and judicial?" "Does a Presbytery or Synod, receiving aid from the General Mission Fund of the Church, thereby surrender any of its Constitutional rights and prerogatives?"

The answers to these Overtures are found in the Charter of the Board of Home Missions, as it appears in the *Digest* [1907], on p. 343, and in the "Principles and Rules for the Work of Home Missions," adopted by the Assembly in 1883, and recorded in the *Digest* [1907].

The functions, powers and prerogatives of the Board of Home Missions are thus declared in the act of incorporation of the Board, in 1872, viz.: "The object shall be to assist in sustaining the preaching of the Gospel in feeble churches and congregations in connection with the Presbyterian Church in the United States, and generally to superintend the whole work of Home Missions in behalf of said Church, as the General Assembly may from time to time direct; also, to receive, take charge of and disburse all property and funds which at any time and from time to time may be entrusted to said Church or said Board for Home Missionary purposes."

The principles and rules pertinent to these Overtures are as follows:

1. "Within the bounds of a Presbytery the work of the Board of Home Missions should be carried on in harmony with the Presbytery, according to the principles and rules hereinafter stated; but a discretion should be allowed to the Board in outline districts, where direct Presbyterial control is difficult or impracticable."

2. "The Board should not, in ordinary cases, decline to grant an appropriation recommended by a Presbytery, unless, in its judgment, after viewing the whole field to be supplied, it shall appear that the funds at its disposal are all needed for more deserving or more promising work; and whether it does thus appear must be determined by the Board but in all questions touching the organization of churches or the character of ministers, the Board, in case of difference between itself and the Presbytery, should abide by the final judgment of the Presbytery."

3. "No church shall be organized by a missionary within the limits of any Presbytery, unless authority has previously been obtained from the Presbytery."

4. "Synodical missionaries should hold to the Board the same relation as other missionaries whose support is provided, in whole or in part, by the Board, and their work shall be conducted in harmony with the interests of the Synod and of the Board."

The Presbytery or Synod receiving aid from the General Mission Fund of the Church does not thereby surrender any of its Constitutional rights and prerogatives.—1912, p. 190.

b. The Chairman of the Standing Committee on Polity, Rev. Dr. George B. Stewart, moved to reconsider the action of the Assembly on the recommendation of the Report of the Standing Committee on Polity, relative to the power of Synods in missionary administration. (See Min. 1915, p. 179.) The motion was carried.

The chairman of the Standing Committee on Home Missions, Rev. Dr. C. R. Erdman, then moved to reconsider *Resolution 12, 2, a* and *b*, in the Report of the Standing Committee on Home Missions. (See Min. 1915, p. 175.) The motion was carried.

The following Paper was then moved as a substitute for both the above-named articles, and was unanimously adopted. The deliverance is as follows:

The General Assembly, in relation to the authority of Synods over Presbyteries in their Home Mission work, hereby declares:

1. (*a*) That the Synods now have ample powers for the election of Synodical Missionaries or field men, and to review estimates of Presbyteries seeking aid from the Board of Home Missions, and to make recommendations to the Board of Home Missions concerning such Presbyterial estimates.

(*b*) That when requested by Synods so to do, the Board of Home Missions shall make bulk appropriations to Synods to be distributed by the Synodical Committee on Home Missions amongst the Presbyteries.

(*c*) That Presbyteries shall have the full and unrestricted right of using the bulk appropriation made to them directly by the Board or mediately through the Synod's Home Mission Committee, according to the judgment of the Presbytery alone, a faithful accounting of which is to be made by the Presbytery directly to the Board as required by the General Assembly of 1914.

(*d*) That the Board shall make all appropriations for field men to Synods, except when requested by the Presbytery, which agrees to pay for its own field men out of the bulk appropriation made to it by the Board.—1915, p. 279.

c. *Resolved: Whereas,* Many complaints and inquiries have been made concerning the authority of the agents of the Board of Home Missions on the field, and in the Presbyteries and Synods in which they work, and

Whereas, The Board of Home Missions, through its officers, has disavowed the authority of its agents over ministers or in Presbyteries or Synods, and asks that this Committee make known this fact to the Church, *It is therefore declared,* That the agents of the Home Board, the secretaries, district superintendents, department heads, pastor evangelists, and field secretaries, and Presbyterial missionaries, have no authority over the individual missionary in anything in which he is responsible as a Presbyter to his Presbytery; nor shall these agents in any way interfere with the authority or action of the Presbytery or Synod within whose bounds they may labor. And we request the Board to send a copy of this resolution to every Presbytery in the Church.—1913, p. 121.

d. *Overture No. 248*, from the Presbytery of Kalispell, asking the question, "What is legally the relation of the Presbytery to the Superintendent of Home Missions, for the Synod of which Presbytery is a part? What are his rights and duties in the matter of initiation and supervision of Home Mission work within the bounds of the Presbytery?" The following answer is recommended:

The Superintendent of Home Missions for the Synod is under control of Synod's Committee on Home Missions subject to the control of each Presbytery of the Synod in so far as the work of that Presbytery is concerned.—1920, p. 195.

2. Use of the term "pastor at large."

Overture No. 227, from the Synod of Montana, as to using the term "pastor at large." The following answer is recommended: That, inasmuch as the commissions are issued, not by the Board, but by the Presbytery (*Digest*, 1907, p. 347), it is within the discretion of the Presbytery, to use the title locally preferred.—1912, p. 191.

CHAPTER XIX.

OF MODERATORS.

I. It is equally necessary in the judicatories of the Church, as in other assemblies, that there should be a moderator or president; that the business may be conducted with order and despatch.

II. The moderator is to be considered as possessing, by delegation from the whole body, all authority necessary for the preservation of order; for convening and adjourning the judicatory; and directing its operations according to the rules of the Church. He is to propose to the judicatory every subject of deliberation that comes before them. He may propose what appears to him the most regular and speedy way of bringing any business to issue. He shall prevent the members from interrupting each other; and require them, in speaking, always to address the chair. He shall prevent a speaker from deviating from the subject; and from using personal reflections. He shall silence those who refuse to obey order. He shall prevent members who attempt to leave the judicatory without leave obtained from him. He shall, at a proper season, when the deliberations are ended, put the question and call the votes. If the judicatory be equally divided, he shall possess the casting vote. If he be not willing to decide, he shall put the question a second time; and if the judicatory be again equally divided, and he decline to give his vote, the question shall be lost. In all questions he shall give a concise and clear state of the object of the vote; and the vote being taken, shall then declare how the question is decided. And he shall likewise be empowered, on any extraordinary emergency, to convene the judicatory, by his circular letter, before the ordinary time of meeting. He shall also serve until his successor be inducted into office, and may perform such administrative duties as may be assigned to him by the judicatory.

[Note.—The Moderator of the 141st General Assembly, Rev. Cleland B. McAfee, D.D., in presenting the matter of Princeton Theological Seminary to the Assembly for consideration, invoked this chapter of the Constitution as his authority, duty, and guide, in proposing a method and plan of procedure for the hearing of the case, which proposal after due consideration was adopted and followed by the Assembly, and the text of the same will be found on page 459 of *Digest*, 1930, Vol. II.]

1. The vice moderator.

In appointing the Standing Committees the moderator may appoint a vice moderator, who may occupy the chair at his request and otherwise assist him in the discharge of his duties.—1885, p. 590.

[Note.—See Form of Government, Chap. xii, Sec. i, p. 274; General Rules for Judicatories, Sec. vii, p. 372.]

2. The moderator must be a member of the judicatory.

The General Assembly of 1861, both O. S. & N. S., made deliverances on this subject which seem, in parts, to contradict the above caption, and may be consulted in *Digest*, 1922, Vol. I. p. 408. They are not inserted here because they have become obsolete, and are superseded by enactments and practice now in force, as follows:

(a) *General Assembly and Synod.* Form of Government Chap. xix, Sec. iii reads: The Moderator of the Synod, and of the General Assembly, shall be chosen at each meeting of those judicatories; and the Moderator, or, in his absence, *another member* appointed for the purpose, shall open the meeting," etc. In addition to this, Rule II of the General Rules for Judicatories, this *Digest*, p. 371, reads: "If a quorum be assembled at the time appointed and the Moderator be absent, the last Moderator present, *being a commissioner*, shall be requested," etc.

(b) *The Presbytery*—It is the universal practice to elect as Moderator a ministerial member of the Presbytery, or a ruling elder who has been elected by the Session of the particular church which he has served or is serving actively as a ruling elder, a delegate to the Presbytery for a definite period of time, or for a definite meeting or meetings. When a ministerial Moderator of a Presbytery transfers his membership therein to another ecclesiastical jurisdiction his status of Moderator ceases; as does that of a ruling elder Moderator when he fails of election as delegate to Presbytery or transfers his communicant membership to another particular church.

(c) *The Session.*—The pastor of the church is ex officio a member of its Session and the Moderator of it. See Form of Government Chapter ix, Sections i and iii. When a church is "vacant" the Moderator must be a member of the same Presbytery as that of which a minister must be a member to be eligible for the pastorate of said church and ex officio Moderator of the Session. See Form of Government Chapter ix, Section iv.

III. The moderator of the presbytery shall be chosen from year to year, or at every meeting of the presbytery as the presbytery may think best. The moderator of the synod, and of the General Assembly, shall be chosen at each meeting of those judicatories: and the moderator, or, in case of his absence, another member appointed for the purpose, shall open the next meeting with a sermon, and shall hold the chair till a new moderator be chosen. In case the moderator of any judicatory, above the Church Session, shall be a ruling elder, he may open the next meeting with an address; but any acts, appropriate only to an ordained minister of the Gospel, shall be performed by a minister appointed by such ruling elder.

1. Presiding officer not indicated.

Your Committee on the Records of the Synod of New Mexico report that they have carefully examined the same and find the Records to be correct and well kept, with the exception of the Record of the opening session which does not state who presided in the absence of the moderator nor that the session opened with prayer.—1917, p. 254.

2. Each Synod must choose its own moderator.

The Minutes of the Synod of Montana were approved, with the exception that the Synod acted unconstitutionally in electing during its closing session the moderator of the Synod of 1909, (see Form of Government, Chap. xix, Sec. iii).—1908, p. 238.

CHAPTER XX.

OF CLERKS.

Every judicatory shall choose a clerk, to record their transactions, whose continuance shall be during pleasure. It shall be the duty of the clerk, besides recording the transactions, to preserve the records carefully; and to grant extracts from them, whenever properly required: and such extracts, under the hand of the clerk, shall be considered as authentic vouchers of the fact which they declare, in any ecclesiastical judicatory, and to every part of the Church.

1. The term of service of their Stated Clerk is at the discretion of the Sessions, Presbyteries, Synods, and of the General Assembly.

Overture from the Presbytery of Syracuse, asking to have a time limit of service fixed for the Stated Clerks of all the judicatories of the Church.

The Committee recommend no action, inasmuch as this is a matter for the discretion of Sessions, Presbyteries and Synods, as well as of the General Assembly, as each body may consider wisest and best.—1893, p. 72.

2. The clerk not necessarily a member of the judicatory.

a. Clerks are ministerial officers of the judicatory. In respect to their offices they are servants merely, and not members, of the body.

The Constitution knows nothing of the *temporary* clerk as distinguished from the *Stated* Clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions and discharge all other duties pertaining to a clerk. For the part of those duties usually devolving upon a *temporary* clerk, we believe it is no infrequent thing for a Presbytery to employ a licentiate or other person not a member of the body.—1861, p. 457, N. S.

[NOTE.—The clerks of the Assembly are full members of it only when they sit as commissioners. See, also, this *Digest*, Rule XLII, p. 376; also 8, p. 278.]

b. *The above confirmed.*

Overture on "Who may be clerk of Session?" from the Presbytery of New Castle, to wit:

Whereas, The clerk of the Synod of Baltimore has refused to record Harold Sudell as clerk of the Session of New Castle church, he not being a member of the court; and

Whereas, The Session of New Castle Church has appealed to the Presbytery of New Castle, and Presbytery being in doubt as to the legality of their having a clerk of Session who was not a member of the court;

Resolved, That the Presbytery of New Castle overtures the General Assembly to make a clear interpretation of the law concerning the eligibility of a male member of the church who is not ordained elder for election as clerk of Session.

The following answer is recommended:

This Assembly adopts and reaffirms the action upon this subject of the New School General Assembly of 1861 (see *Minutes*, p. 457) as quoted in Moore's *Digest*, 1886, p. 461, Chap. xx, to wit: "As far as the provision of the Book is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions and discharge all other duties pertaining to a clerk."—1895, pp. 135, 136.

3. Who may hold the office of clerk of Session?

That *Overture No. 57*, from the Presbytery of Pecos Valley, making inquiry as to who may lawfully hold the office of clerk of Session, in the following questions:

1. "May a church Session appoint as its clerk one outside of its membership?"

2. "May a woman hold this office?" be answered in the following terms:

While the law covering the subject is not explicit, it is the judgment of the General Assembly that it is ordinarily inexpedient that any person except a member of the Session should serve as its clerk.—1910, p. 235.

4. Response of Stated Clerks to requests for excerpts from Records.

The Committee received from the Assembly, Section XIV of the Executive Commission's Report with reference to furnishing excerpts of Records in the custody of Stated Clerks, and recommends that these recommendations be adopted as follows:

a. When requested by vote of the judicatory of which the clerk is an officer, or of a superior judicatory.

b. When requested in writing by a member (minister or elder commissioner) of the judicatory of which the clerk is an officer.

c. When requested in writing by the Session of a church under the jurisdiction of the judicatory of which the clerk is an officer.

d. When requested by one of the original parties or his officially recognized counsel, in a case of discipline of review, of reference, of complaint, or of appeal.

Provided, however, that under no circumstances whatever shall a clerk grant an extract or extracts from Records of the judicatory of which he is clerk, when in doubt as to his right so to do under the Constitution of the Presbyterian Church in the U. S. A., as contained in the Form of Government and the Book of Discipline until he shall have presented the request for an extract or extracts from his Records to the judicatory of which he is clerk and has received instructions from said judicatory as to his duty in the premises.—1922, p. 201.

CHAPTER XXI.

OF VACANT CONGREGATIONS ASSEMBLING FOR PUBLIC WORSHIP.

I. Considering the great importance of weekly assembling of the people, for the public worship of God, in order thereby to improve their knowledge; to confirm their habits of worship, and their desire of the public ordinances; to augment their reverence for the most high God; and to promote the charitable affections which unite men most firmly in society: it is recommended, that every vacant congregation meet together, on the Lord's Day, at one or more places, for the purpose of prayer, singing praises, and reading the Holy Scriptures, together with the works of such approved divines, as the presbytery within whose bounds they are may recommend, and they may be able to procure; and that the elders or deacons be the persons who shall preside, and select the portions of Scripture, and of the other books to be read; and to see that the whole be conducted in a becoming and orderly manner.

1. Vacant congregations to meet for worship on the Lord's day.

In consequence of an *Overture* which was brought in, the Synod earnestly recommend to all vacant congregations under their care to meet together every Lord's day, at one or more places, for the purpose of prayer and praise and reading the Holy Scriptures, together with the works of such approved divines as they may be able to procure, and that the elders be the persons who shall pray and select the portions of Scripture and other books, to be read by any proper person whom they may appoint.—1786, p. 526.

2. Elders of vacant congregations should be interrogated as to the observance of the rule.

An *Overture* from the Presbytery of Mississippi requesting the General Assembly to recommend to the Board of Publication to issue suitable books of sermons and helps for devotion, to be used by vacant congregations, and to inquire whether ruling elders representing such congregations should be interrogated concerning the observance of the recommendation contained in Chap. xxi of the Form of Government.

Answered affirmatively.—1847, p. 401, O. S.

3. Right of ruling elders, in the absence of the pastor, to explain the Scriptures and to exhort.

The Records of the Synod of Mississippi approved, except "that on p. 10 of these Minutes Synod takes exception to the Minutes of the Louisiana Presbytery, because that Presbytery considered it not inconsistent with the principles of our Church for ruling elders, in the absence of the pastor, to read the Scriptures and explain them, and to endeavor to enforce the truth upon the conscience by suitable exhortations. The Assembly believe the Presbytery of Louisiana was right according to Chap. xxi of our Form of Government."—1856, p. 538, O. S.

The next year the Assembly refused to modify the above.—1857, p. 41, O. S.

4. Presbyterial oversight of vacant churches.

Under our Constitution, the Presbytery is officially the pastor of every vacant church within its bounds. The question whether any such church shall continue to exist is one which the Presbytery alone can solve; and if such continued existence is deemed desirable, it is directly incumbent upon the Presbytery to provide, in some way, for the spiritual necessities of every such organization. It may group these small churches together in a joint pastorate, or in a wider circuit; it may associate some weak church with some stronger one as a single charge; it may appoint an adjacent pastor to be for the time the minister and shepherd to the little flock; it may bring in the service of intelligent elders, competent to teach and counsel, and willing to be engaged in such oversight. The General Assembly judges that by Presbyterial diligence and faithfulness in these directions, much of the evil resulting from these numerous vacancies would be avoided, and many of these feeble churches might speedily be nourished into vigor and usefulness. It therefore lays the obligation to such faithfulness and diligence directly on the conscience of each Presbytery, and of every minister in each Presbytery, whether engaged in the pastoral care or in some other form of ministerial service, as one which true loyalty to the Church and to Christ will permit no one to neglect. In adopting this resolution, the General Assembly recognizes with special satisfaction the allusion to the ruling elders as possible agents and instruments in providing for the special needs of these feeble churches.—1891, p. 176. (See p. 226.)

II. Every Presbytery shall assign to a committee the supervision of the vacant churches within its bounds. This committee shall, in consultation with the representatives of the vacant church, nominate a Moderator for the Session, and arrange for the supply of the pulpit. The committee and the church shall also coöperate in seeking and securing a pastor.

III. Ministers, licentiates, and local evangelists connected with the Presbyteries of this Church, shall be the only persons to be employed as regular supplies in vacant churches, except in cases of federated churches. It shall be the duty of ministers not engaged in regular church work to render service in vacant congregations within the bounds of their respective Presbyteries, unless excused by act of Presbytery. Ministers of other denominations in correspondence with this General Assembly may be employed as occasional supplies.

1. Vacant churches may not employ as regular supplies ministers of other denominations.

Overture 30 from the Presbytery of Nashville requests the General Assembly to give a clear answer to the following questions:

a. "Has a Church Session the right to secure the stated services of a minister in good standing in another evangelical denomination?"

b. "Has a Presbytery the legal right to sanction the regular supply of Home Mission Churches by a minister in good standing in another evangelical denomination?"

We recommend both these questions from the Presbytery of Nashville be answered in the negative, and that the attention of the Presbytery be called to the explicit and unequivocal language of Chapter xxi, Section iii, of the Form of Government, where it is enacted that:

"Ministers, licentiates, and local evangelists, connected with the Presbyteries of this Church, shall be the only persons to be employed as *regular* supplies in vacant churches . . . ministers of other denominations, in correspondence with this General Assembly, may be employed as *occasional* supplies."—1925, p. 65.

IV. When the pulpit of any congregation has been vacant for a longer period than twelve months, the appointment of ministers for the pulpit shall be made by the presbytery, and shall continue to be so made until a pastor has been elected by the congregation and duly installed by the presbytery.

1. Vacant church defined.

a. *Overture No. 50*, from the Presbytery of Morris and Orange, asking that the definition of a vacant church, on p. 148 of the *Digest* [1898], viz.: "Every congregation or church is vacant which has not a pastor duly installed," be amended so as to read: "Every congregation or church is vacant which has not a stated supply approved by Presbytery or a pastor duly installed." Your Committee report that our system contemplates a pastor over every church, and that therefore the proposed new definition should not be made. —1901, p. 63. (See **b.,** Overture 144, next below.)

b. *Overture No. 144*, from the Presbytery of Morris and Orange, concerning the definition of a vacant church.

Your Committee recommend that the following definition be adopted:

Every church or congregation is vacant which has not a pastor duly installed or a regular supply appointed by the Presbytery.—1903, p. 120.

2. Synodical missionary cannot act in vacant churches independently of Presbytery.

Overture No. 38, from the Presbytery of Olympia, with reference to the functions of a Synodical missionary. It is recommended that the following answer be returned:

1. That the Presbytery has full control over the several pulpits within its bounds and may make all necessary arrangements for filling such pulpits.
2. That a Synodical missionary may wisely be a medium of communication between ministers and vacant pulpits, or between ministers and Presbyterial Home Missionary Committees; but he is not, by virtue of his office, superior to the authority of the Presbytery, and may not act independently of the Presbytery.—1898, p. 143.

3. Declaration that a pulpit is vacant commended.

Overture No. 41, from the Presbytery of Hudson, concerning the declaring a pulpit vacant, and asking that Chap. xvii, of the Form of Government should be so amended that the Presbytery shall be directed, after the dissolution of a pastoral charge, to appoint a minister to declare the pulpit vacant in the name of the Presbytery, in accordance with what is now the custom though not the law. Your Committee report that while the custom is to be commended, it does not appear necessary to embody it into our formal law.—1901, p. 63.

[Note.—See this *Digest*, Vol. I, p. 144.]

4. Committee on Vacancy and Supply appointed.

Overtures Nos. 21, 23, and *24*, from the Presbyteries of Detroit, Troy, and Worcester, upon the same subject, ask the Assembly to recommend a plan for securing service for unemployed ministers and for securing pastors for vacant churches. The Assembly referred the Overtures to a special Committee to report to the next Assembly.—1899, p. 109. (See p. 226).

[Note.—See for Reports of Committee, 1900, p. 147; 1901, p. 140; 1902, p. 114; 1903, p. 68; 1904, p. 196, and 1905, p. 102.]

5. Recommendation as to preaching of Secretaries.

Overture No. 201, from the Presbytery of New Castle, concerning money received by the Secretaries of the Boards for the supply of pulpits. It is recommended that the following answer be given: As to compensation for occasional pulpit supplies, the Assembly thinks this matter should be left to the judgment and conscience of the salaried agents and officers of the respective Boards. As to income from extended engagements to preach in a given church, the question involves far more than the matter of compensation and the use to be made of it. Such preaching might easily become an impairment of efficiency in the work of the Board to which the agent is already committed, and for which he is already compensated and is distinctly responsible.

The Assembly therefore expresses its grave doubt whether such engagements should ever be made.—1900, p. 56.

CHAPTER XXII.

OF COMMISSIONERS TO THE GENERAL ASSEMBLY.

I. The commissioners to the General Assembly shall always be appointed by the presbytery from which they come, at its last stated meeting, immediately preceding the meeting of the General Assembly; provided, that there be a sufficient interval between that time and the meeting of the Assembly, for their commissioners to attend to their duty in due season; otherwise, the presbytery may make the appointment at any stated meeting, not more than seven months preceding the meeting of the Assembly. And as much as possible to prevent all failure in the representation of the presbyteries, arising from unforeseen accidents to those first appointed, it may be expedient for each presbytery, in the room of each commissioner, to appoint also an alternate commissioner to supply his place, in case of necessary absence.

1. The rule not enforced in case of missionary Presbyteries.

a. The Committee on Elections reported that Rev. James W. Moore had been nominated or selected by the Presbytery of Arkansas at their meeting in last September, but that the Presbytery had been prevented by high waters from meeting since then, and consequently there could be no election. On motion, Mr. Moore was admitted to a seat.—1846, p. 197, O. S.

b. In reply to a protest on this case, the Assembly says: "The member admitted to a seat represents a body occupying the remote confines of our ecclesiastical territory—a body whose delegates must travel fifteen hundred miles to reach the usual place of meeting of the General Assembly; a body too whose meetings are liable to be interrupted by insurmountable difficulties, and in whom a technical irregularity, occasioned by such difficulties, may justly plead exemption from a rigorous application of the letter of the law. To exclude from a participation in the privileges of this body one who had surmounted so many and such formidable obstacles to reach our place of meeting because of an informality in his title, which does not, as this Assembly judges, violate the spirit of the Constitution, would be to subject a zealous and self-denying minister and a whole Presbytery to a serious grievance, and to discourage the zeal of those who of all others most need our sympathy and fostering care."—1846, p. 215, O. S.

c. A reference to the *Minutes* of the General Assembly of 1844 will show that the Rev. William S. Rogers, a commissioner from the Presbytery of Lodiana, in Northern India, was admitted without scruples to a seat in that body, though it is evident that his appointment must have been made beyond the limits of time prescribed by the Constitution. The peculiar circumstances of the case no doubt influenced, and we believe authorized, that Assembly to act as they did in the premises.—1846, p. 214, O. S.

d. Mr. Joseph B. Junkin, ruling elder of the Presbytery of the Creek Nation, produces such evidence that it is the desire of his Presbytery that he should represent it as a commissioner in this Assembly, that, considering the remote situation of the Presbytery, the difficulty of his position, and the whole bearing of the case, Mr. Junkin may be safely allowed to take his seat, without the Assembly thereby establishing any precedent to operate beyond the immediate case. The Committee is therefore of opinion that, though he was not regularly elected, he ought to be allowed to take his seat as a member of the body.—1853, p. 426, O. S.

e. In the following case it appeared from the evidence that the brethren of the mission designed to make the appointment. No communication, however, had been received from them since the meeting of the Presbytery.

The Rev. J. L. Scott, missionary in Northern India, being present from the Presbytery of Furrukhabad without a commission, but with evidence of having been duly appointed, was, on motion of Dr. R. J. Breckenridge, from the Committee on Elections, admitted to a seat, and regularly enrolled.—1853, p. 430, O. S.

2. No election through Presbytery failing to meet.

a. The Committee on Elections further reported, in the case of Mr. David M. Smith, that it appeared to their satisfaction that the Presbytery of Columbia failed to form a quorum at the time at which their stated spring meeting should have been held according to adjournment; that there were present two ministers and ruling elders from a majority of the churches, the Presbytery consisting only of five ministers; that those present requested that the Assembly would receive Mr. Smith as a commissioner from their Presbytery, in which request two of the absent members have expressed their concurrence in writing; and that it is believed that the appointment of Mr. Smith would have been unanimous had the Presbytery formed a quorum; and further, that the Committee are divided upon the question whether, under these circumstances, Mr. Smith ought or ought not to be admitted to a seat. It was moved that Mr. Smith be admitted to a seat. After debate the question was decided in the negative.—1843, p. 171, O. S.

b. The same Committee also reported that Hamilton Smith, a ruling elder from the Presbytery of Upper Missouri had appeared without a commission, but with a written request from several ministers and ruling elders of that Presbytery, which had been able to secure no quorum for two years past, that he be allowed to sit as commissioner.—1865, p. 538, O. S.

c. The Rev. L. M. Miller, D.D., chairman of the Committee on Elections, presented the following Report, which was adopted, and the Rev. George W. Chamberlain was ordered to be enrolled:

The Committee on Elections would report that the Rev. George W. Chamberlain, of the Presbytery of Rio de Janeiro, Brazil, is present without a commission. Mr. Chamberlain asks admission to the Assembly on this ground: He was appointed a commissioner regularly to the Assembly of last year, and attended. He has remained in this country ever since, doing work in behalf of his mission in that country. Only three ministers belonging to that Presbytery remained in Brazil. A meeting was appointed in which it was intended to recommission Mr. Chamberlain. Just previous to the time indicated, the Rev. Mr. Simonton, one of the presbyters, died, and thus prevented organization. The members remaining desire that he may be permitted to represent that Presbytery in this Assembly. The only principle which bears upon the case is found in the [Assembly's] *Digest*, [rev. ed., 1859], on p. 286, Sec. 129. The Committee recommends that the Assembly act upon the question of his admission without discussion.—1868, p. 620, O. S.

d. That Rev. Ira M. Condit, of the Presbytery of Canton, is bearer of an informal appointment, signed by all the members of Presbytery who were in Canton at the time; when, however, a quorum could not be assembled on account of the absence of several members in this country. He was admitted to a seat.—1869, p. 890, O. S.

e. The Committee on Commissions respectfully reports the following exceptional cases to the General Assembly:

1. The Presbytery of East Persia was not able to elect, in view of the circumstances connected with the war, a commissioner to this General Assembly. The Rev. Dwight N. Donaldson however, of this Presbytery, is in attendance at the Assembly, and it is recommended that he be seated, as its commissioner.

2. For reasons likewise connected with the World War the Presbytery of Corisco, Africa, was unable to elect a Commissioner to this Assembly, and it is recommended that the Rev. W. C. Johnston of the Presbytery be seated as its Commissioner.—1919, p. 157.

3. Commissioners seated upon petition of a majority of Presbytery.

a. The Committee on Commissions respectfully reports to the General Assembly in the case of the Rev. John W. Fulton. The facts in the case are that both the principal and alternate ministerial commissioners from the Presbytery of Bellefontaine are providentially prevented from attending the General Assembly. In these circumstances ten of the sixteen ministerial members of the Presbytery and seven of the ruling elder members petition the General Assembly to seat the Rev. John W. Fulton as a commissioner in this Assembly from the said Presbytery. Your Committee recommend that the request of the Petition be granted, and cites as precedents the case of Mr. Robert Livingston (*Minutes*, 1892, pp. 10, 590) and of Rev. John A. Savage, D.D. (*Minutes*, 1898, p. 11).—1899, p. 11.

b. Case of Rev. John H. Laughlin, Presbytery of Chinan.—1904, p. 12.

c. Cases of Elders W. I. Dishman and J. H. Watson, Presbyteries of Grande Ronde and Pembina.—1905, p. 12. See also, 1930, p. 20.

d. Elder C. Allen Stewart seated from the Presbytery of Shenango upon presenting a commission supported by a majority of those present at the meeting of the Presbytery when commissioners to the General Assembly were elected, neither principal nor alternate being able to attend.—1925, p. 18.

4. Commissioners enrolled on petition of members of their Presbyteries.

Your Committee on Commissions would report the following cases for action by the Assembly:

1. A *Petition* from the Presbytery of Rock River, for the seating of Ruling Elder W. H. Elhart, as a commissioner from said Presbytery, setting forth the fact that it was impossible for either of the regularly elected men (both principal and alternate) to attend the General Assembly, and that the moderator and several near-by ministers join in asking the appointment of Mr. Elhart as commissioner. We recommend that he be recognized as a commissioner from said Presbytery.

2. A similar *Petition* from the Presbytery of Great Falls, for the seating of Ruling Elder R. B. Noble, as a commissioner from said Presbytery, setting forth the fact that the regularly elected commissioners (both principal and alternate) were unable to attend, that it was too late to call a special meeting of the Presbytery, and that their request is accompanied by a Petition, signed by all the ministerial members of the Presbytery except two. We recommend that Mr. Noble be recognized as a commissioner from said Presbytery.—1912, p. 13.

5. Commissioners seated on credentials signed by moderator and Stated Clerk of Presbytery.

The Permanent Committee on Commissions reported on two cases where the credentials of substitute commissioners were signed by the moderators and Stated Clerks of the respective Presbyteries, the commissioners chosen by the Presbyteries, they being unable to serve and correspondence being had with members of the Presbyteries. The Committee recommends that Rev. Hugh Leith, D.D., of the Presbytery of Ebenezer, and Elder O. J. Thomas of the Presbytery of Yellowstone, be recognized as Commissioners from these respective Presbyteries.—1918, p. 15.

6. Certain qualifications with regard to election of commissioners.

Overture 1406 from the Des Moines Presbytery, being a question as to the Constitutionality of a certain rule adopted by the Presbytery with reference to the election of commissioners to the General Assembly. This rule deals with ministers actively engaged in church work and ministers of longest service within the Presbytery. It is recommended that this rule be regarded as a mode of procedure only, and as such it appears not to be unconstitutional. (Note Manual, 1921, p. 18, sec. 7.)—1921, p. 200. [The note reads: "It is inexpedient to answer *in thesi* questions which the Assembly may be called upon to answer judicially."]

7. Minister of Yukon Presbytery accepted as advisory member of Assembly.

The Permanent Committee on Commissions presented the following special Report, which was adopted:

The Permanent Committee on Commissions, on the written request of Rev. Edgar O. Campbell, M.D., a member of the Presbytery of Yukon, to be recognized as a commissioner from that Presbytery, respectfully report:

1. That while sympathizing with the desire of Dr. Campbell, they do not find anything in the facts set forth in his Petition to justify his recognition as a commissioner to this Assembly.

2. That the conditions described in Dr. Campbell's Petition as to the impossibility of holding meetings, and the uncertainty of there being even a quorum of members living and laboring within the bounds of the Presbytery are so anomalous, that we recommend that the matter of the status of the Presbytery of Yukon be referred to the Standing Committee on Polity.—1907, p. 26.

Standing Order No. 15 was by unanimous vote amended by the addition of the following:

"This Rule shall also apply to Home Mission Presbyteries whose members are so located as to prevent regular meetings, and in the discretion of Assembly."

Under the Rule as amended Edgar O. Campbell, M.D., a member of the Presbytery of Yukon, was accepted as an Advisory Member of this Assembly.—1907, p. 88.

8. Missionary from a United Mission seated as advisory member of Assembly.

The Stated Clerk, the Rev. Lewis S. Mudge, D.D., LL.D., made a report on enrollment. Dr. Robert E. Speer presented a request of the Board of Foreign Missions that the Rev. J. W. Willoughby be seated as an Advisory Member from the Mesopotamia United Mission. The Assembly granted this request.—1929, p. 8.

[NOTE.—The Mesopotamia United Mission is under the direction of several Presbyterian Mission Boards, including our own, and therefore has the status of one of our missions. Consequently, under Standing Rule No. 3, of the General Assembly, (see this *Digest*, p. 364,) if and when a minister or ruling elder of this mission is elected as a commissioner to the General Assembly, he is entitled to sit as an advisory member.]

9. Commissioner enrolled who was present at place of meeting, but absent through illness from the Assembly.

The Assembly having been informed that Rev. Joseph Sanderson, D.D., a commissioner from the Presbytery of New York, has been in this city since the opening of its sessions, but has been prevented by illness from attendance, ordered that his name be entered upon the roll.—1903, p. 28.

10. Commissioner enrolled though prevented from presenting commission.

The Committee also reported a special case in which Rev. E. A. Walker, a commissioner from the Presbytery of Spokane, had reached the Witherspoon Building, with his commission in his pocket, to be enrolled, having met with an accident he was carried to the hospital and was now under the care of friends and physicians. The Committee recommended that he be enrolled, and that the Moderator and Stated Clerk, send to him an expression of the sympathy of the Assembly and prayer for his speedy recovery.—1920, p. 36.

11. Request of permission for appointing a commissioner denied.

A telegram was received from the Presbytery of Sioux Falls, stating, that neither the principal nor the alternate commissioner could come to the Assembly, and requesting permission for the moderator and Stated Clerk of Presbytery to appoint an elder commissioner. This matter was laid on the table.—1921, p. 31.

12. May the Executive Commission of Presbytery elect commissioners to the General Assembly?

A communication from the Executive Commission of the Presbytery of Fort Worth, which is as follows:

"At a meeting of the Commission of the Presbytery of Fort Worth, the names of Rev. T. S. Cawsey and Rev. W. P. Morris were added to our roll, making thirty-six ministers, entitling us to two more commissioners. Rev. W. A. Patterson was elected as principal, with Elder J. H. Harrison, of Mansfield, the alternates being Rev. H. B. Boyd, Denton, and Elder J. P. Wear, Fort Worth. Rev. N. B. Baker, Valley View, was elected alternate to Rev. J. W. Caldwell, in my place." Signed, for the Commission, W. A. Patterson.

The Paper involves questions as to the powers of the Executive Commission of a Presbytery: first, to receive members, and secondly, to elect commissioners to the General Assembly. We recommend that these questions be referred to the Standing Committee on Polity, to report as early as possible, pending which Report the seating of said commissioners be held in abeyance.—1912, p. 13.

The Committee on Polity, through its chairman, presented a special Report, which was adopted, and is as follows:

The Committee on Polity, to which was referred, by the Assembly, the credentials of the Rev. W. A. Patterson and Ruling Elder J. H. Harrison, who were elected commissioners to the General Assembly by the Executive Commission of the Presbytery of Fort Worth, reports that inasmuch as our Form of Government states that a Presbytery may create an Executive Commission and determine its powers and duties, and inasmuch as the Presbytery of Fort Worth created a Commission, distinctly stating that the Commission should have power to receive certain ministers by letter from other Presbyteries, and upon so receiving them have power to elect commissioners to the General Assembly, we recommend that the credentials of these commissioners so appointed, namely, Rev. W. A. Patterson and Elder J. H. Harrison, be approved and that these commissioners be seated.

But the Committee on Polity reserves the right at a later day in this Assembly to ask the Assembly to take such action as will define the province of an Executive Commission with reference to receiving ministers by letter, and electing commissioners to the Assembly.—1912, pp. 38, 169. (See above, p. 227.)

13. Commissioners from new Presbyteries.

a. The Committee to which was referred an Overture on the subject of admitting commissioners from newly formed Presbyteries to seats in this house reported the following resolutions, which were adopted, viz.:

1. *Resolved*, That it be adopted as a standing rule of this house that commissioners from newly formed Presbyteries shall, before taking their seats as members of this body, produce satisfactory evidence that the Presbyteries to which they belong have been regularly organized according to the Constitution of the Church, and are in connection with the General Assembly.

2. *Resolved, also*, That such commissioners shall be entitled to furnish the evidence required in the foregoing resolution before the house shall proceed to the choice of a Moderator.—1882, p. 48.

b. *Resolved*, That no commissioner from a newly formed Presbytery shall be permitted to take his seat, nor shall such commissioner be reported by the Committee on Commissions, until the Presbytery shall have been duly reported by the Synod and recognized as such by the Assembly, and that the same rule apply when the name of any Presbytery has been changed.—1837, p. 446.

c. See case of the Commissioners from the Presbytery of West Tennessee, —1913, pp. 13, 164.

14. Commissioners, not ruling elders, under the Plan of Union.

Under the "Plan of Union" in several cases members of "Standing Committees" not ordained elders were admitted as commissioners to the Assembly.—1820, pp. 721–724; 1826, pp. 164, 178, 181; 1831, p. 318. Growing out of the last case was the following:

Resolved, That in the opinion of the General Assembly the appointment by some Presbyteries, as has occurred in a few cases, of members of standing committees to be members of the General Assembly, is inexpedient and of questionable Constitutionality, and therefore ought not in future to be made.

The yeas and nays on this resolution were taken and required to be recorded, and are as follows, viz., yeas 81, nays 54.—1831, p. 338.

[NOTE.—See *Minutes*, 1832, pp. 354–356; 1833, p. 392.]

15. Commissioners should attend to the close of the session. Presbyteries to call their commissioners to account.

a. *Whereas*, Many members of the General Assembly are, from year to year, in the habit of asking leave of absence long before its sessions are closed; and whereas, in receiving and acting upon these applications, much of the time of the Assembly is consumed, and much of the most important business has to be transacted by few members; therefore,

Resolved, 1. That the Presbyteries be directed to pay particular attention to the following Minute, found in Vol. i, p. 308, of Printed Extracts, and also in *Digest* (1820), p. 76, viz.: "The Presbyteries are informed that their commissioners should attend with the expectation that the sessions will be of two weeks' continuance, and that arrangements should be made accordingly."

Resolved, 2. That it be recommended to the Presbyteries to inform their commissioners, when they accept an appointment, that it is expected they will continue in the Assembly until the close of its sessions, unless some unforeseen and imperious reason should require them to ask leave of absence.

Resolved, 3. That each Presbytery require their commissioners to report whether they attended the sessions of the Assembly the whole time, and that the Report of the commissioners on this subject be recorded on the Minutes of the Presbytery.—1824, p. 119.

b. The Committee on Leave of Absence beg leave to submit to the General Assembly that, whereas it both fulfills the requirements of our excellent Church polity, and facilitates the business of the Assembly, and also should be regarded as both a duty and a privilege, for elders as well as ministers to attend its sessions; therefore be it

Resolved, That elders and ministers who from time to time may represent the Presbyteries in General Assembly be earnestly requested to arrange their business, as far as possible, before leaving home, that they may remain to the end of its sessions, and thus fulfill their high commissions, and enjoy the valued privileges as members of the highest judicatory of our Church.—1862, p. 38, N. S.

c. On the recommendation of the Standing Committee on Leave of Absence, it was

Resolved, That the General Assembly earnestly recommend to its Presbyteries, as far as possible, the appointment as commissioners of those only who are able and willing to remain to the close of its sessions, to the end that all the work of the Assembly may be performed by all its members.—1867, p. 499, N. S.

16. A commissioner, having taken his seat, may not resign it to his alternate or principal.

[NOTE.—From the origin of the General Assembly, it was frequent usage for the principal to resign his seat to the alternate, and *vice versa*. But in 1827 the following Act was adopted:]

The Committee to whom were referred *Overtures Nos. 4* and *5*, containing resolutions of the Presbyteries of Richland and Charleston Union, disapproving the practice of permitting members of the General Assembly "at various stages of the sessions to resign their seats to others called alternates," made the following Report, viz.:

These Overtures present two points of inquiry:

1. Whether the Constitution of the Church, according to a fair interpretation, permits the practice complained of by these Presbyteries.

2. If this practice is allowed by the Constitution, whether it is expedient that it should be continued.

As to the first question, the only authority on this subject, as far as appears to your Committee, is found in Form of Government, Chap. xxii, Sec. i, in these words: "And as much as possible to prevent all failure in the representation of the presbyteries, arising from unforeseen accidents to those first appointed, it may be expedient for each presbytery, in the room of each commissioner, to appoint also an alternate commissioner to supply his place, in case of necessary absence."

The first remark obviously presenting itself here is that the language quoted, so far from making the appointment of alternates necessary contains nothing more than a recommendation of the measure expressed in very gentle terms.

In the next place, although the terms of the article may be so interpreted as to make it provide for the necessary absence of a commissioner at any time during the sessions of the Assembly, yet it appears most reasonable to suppose that the intention of the framers of the Constitution was to provide for those unforeseen events which might altogether prevent the attendance of the primary commissioners. For it is not at all probable that wise men, in drawing up a Constitution for a Church judicature of the highest dignity, whose business is often both very important and extremely difficult, would provide for a change in the members of the court after it should be constituted and become deeply engaged in the transaction of weighty affairs and the investigation of certain perplexing questions. A measure of this kind is, the Committee believe, without example, and therefore the construction which would support it is thought to be erroneous.

If in this case the Committee have judged correctly, they are much more confident in the remarks that the Constitution does not justify the practice, now very common, of the arrangements for convenience made by the primary commissioner and his alternate, according to which the one or the other, as the case may be, takes his seat for a few days in the Assembly, resigns it, and goes to his secular business.

But, secondly, if it should be determined that the Constitution permits these changes in some instances, the Committee are constrained to believe that the practice is, on the whole, entirely inexpedient:

1. Because it creates dissatisfaction among many brethren, as well those who have complained of it as others who have held their peace.

2. It gives an invidious advantage to the neighboring Presbyteries over those which are remote.

3. It may be the occasion of a number of abuses against which the Assembly ought to guard, but which the Committee do not think it needful to specify.

4. But, chiefly, it often embarrasses and retards the proceedings of the Assembly, because members of Committees resign to alternates before the Committees to which they belonged have finished their business or received a discharge from the house; because new members coming into the Assembly in the midst of business often cannot possibly understand it sufficiently to decide on it wisely, and because speeches made in relation to matters imperfectly understood often shed darkness and throw perplexity over them, and thus very much time is wasted in discussions which profit nothing.

Finally, the practice is thought to be derogatory to the dignity and usefulness of the General Assembly. For these reasons the Committee recommend the adoption of the following resolution:

Resolved, That in the judgment of this General Assembly the construction of the Constitution, Form of Government, Chap. xxii, Sec. i, which allows commissioners, after holding their seats for a time, to resign them to their alternates, or which allows alternates to sit for a while and then resign their places to their principals, is erroneous; that the practice growing out of this construction is inexpedient, and that it ought to be discontinued.—1827, pp. 209, 210.

[NOTE.—See Form of Government, Chap. ix, 33, p. 123; also 18, this page.]

17. Rule dispensed with under peculiar circumstances.

a. Rev. Jacob D. Mitchell informed the Assembly that, as the alternate named in the commission from West Hanover, his principal, Rev. James Wharey, not being present, he had at the commencement of the Assembly taken his seat as a member, and that Mr. Wharey had now arrived, having been detained in the province of God. Mr. Mitchell moved that he have leave to resign his seat in favor of Mr. Wharey. It was then moved and carried that, under the peculiar circumstances of the case, the Standing Rule be dispensed with, and that Mr. Wharey be admitted a member in the place of Mr. Mitchell.—1836, p. 245.

b. The Rev. Thomas P. Hunt, of the Presbytery of Luzerne, stated to the Assembly that, owing to peculiar circumstances, he as alternate had taken his seat as a member of the house, and that he wished to resign it to Rev. John Dorrance, the principal named in the commission.

Resolved, That in view of the peculiar circumstances of the case which were stated at large by Mr. Hunt, this request be granted, and that Mr. Dorrance's name be inserted on the roll instead of Mr. Hunt's.—1844, p. 368, O. S.; see also 1847, p. 382, O. S.

c. Alexander Swaney, minister of the Presbytery of Steubenville, having obtained leave of absence, his alternate, Rev. C. C. Beatty, D.D., was, on motion of Judge Leavitt, admitted to a seat.—1850, p. 459; see 1851, p. 24, O. S.

d. On motion of Dr. Hornblower, the name of Theodore Litle, ruling elder from the Presbytery of Passaic, was substituted for that of Harvey Law, who has occupied a seat as commissioner from that Presbytery since the fourth day of our session.—1861, p. 321, O. S.

18. The right of alternates to sit is at the discretion of the judicatory.

a. The Committee upon the Records of the Synod of Colorado would report their approval, with one exception, to wit:

On p. 254 the Synod excepted to the action of the Presbytery of Boulder in admitting to a seat in an adjourned meeting an alternate in place of a principal who had sat in a previous regular meeting.

The Committee had also referred to it the Report of the Judiciary Committee upon the matters involved in the Complaint of Rev. J. L. Reid against the action of the Synod of Colorado in excepting to the action of the Presbytery of Boulder in admitting to a seat at an adjourned meeting an alternate in place of a principal who had sat in a previous regular meeting. The Committee would report:

1. That, in their opinion, the very object of electing an alternate is to ensure, if possible, the actual representation of each constituency in its proper judicatory.

2. That, as the General Assembly has in several instances admitted to seats in its own body, during the progress of its annual meeting (see

Digest, 1886, p. 468), an alternate in place of a principal who wished to be absent during the residue of the meeting, it is expedient that this subject, so far as there is no positive law, be left to the judgment of the several Presbyteries, as circumstances may require.—1886, p. 110.

[NOTE.—See No. 17, p. 471.]

The Permanent Committee on Enrollment reported that the Rev. Dr. James T. Leftwich, principal commissioner from the Presbytery of Baltimore, had taken his seat, but had been called away and would not be able to return, and recommended that the Rev. Joseph T. Smith, D.D., an alternate commissioner from the same Presbytery, be enrolled. The recommendation was adopted, and Dr. Smith was enrolled.—1890, p. 65.

19. At an adjourned meeting alternates enrolled.

The Committee on Commissions reported that several gentlemen were present with commissions as alternates, the principals being absent. On motion, it was *Resolved*, That all alternates presenting regular commissions be enrolled, the principals being absent.—1869, reprint, p. 504, O. S.

20. Ratios and excess of representation.

[NOTE.—See in this *Digest*, p. 277.]

21. Ruling elder need not be a member of Presbytery.

Overture, from the Presbytery of Holston, asking, would the election of a ruling elder as a commissioner to the General Assembly be valid, if at the time of his election he were not in the Presbytery electing him. Such election would be valid, if he is a member of a church under the care of Presbytery.—1889, p. 102.

22. Ruling elders who have been dismissed from the church in which they served, to another, cannot be elected.

Overture, from the Presbytery of Neosho, concerning the eligibility to election as a commissioner to the General Assembly of an elder serving under either the term or permanent service in a particular church, when dismissed to another church under the jurisdiction of the General Assembly. It is recommended that the Overture be answered in the negative. —1897, p. 133. (See pp. 351, 352.)

23. Power to expel commissioners.

[NOTE.—See in this *Digest*, p. 278.]

24. Constitutional eligibility of ministers and elders for election to Church judicatories not subject to Standing Rules.

Overture No. 263, from the Presbytery of Des Moines, asking the Assembly to answer inquiries as to the Constitutionality of a Standing Rule of said Presbytery, which reads as hereinafter stated:

"*Whereas*, This Presbytery has adopted a Standing Rule, containing the three following sections, to wit:

"1. No minister failing to attend the meetings of Presbytery, or leaving without excuse, shall be eligible to election either as a commissioner to the General Assembly or as a delegate to Synod.

"2. That likewise, ministers and elders of churches failing to pay their General Assembly assessment shall not be eligible for election either as commissioners to the General Assembly or as delegates to Synod.

"3. It is further required that, before the pastor or elder of any church of this Presbytery, shall be eligible for election as commissioner to the General Assembly, the church to which said pastor or elder belongs shall have made a contribution to each and every general Board of the Church during the year immediately preceding.

"Now, therefore, this Presbytery of Des Moines respectfully asks the General Assembly:

"1. Are the said three sections of the Standing Rule or any of them Constitutional?

"2. Can a Presbytery by Standing Rule deprive ministers or elders of their Constitutional eligibility to be elected as delegates to Synod, or commissioners to the General Assembly, because they or their congregation have failed to do something not required by the Constitution, as in the above cases?

"3. Does infliction of the punishment, above indicated, upon ministers who have no control over the payment of a church's assessments or its contributions to 'General Boards,' constitute a case of judicial discipline, without Constitutional warrant?"

We recommend that the answer to this Overture be in the following terms: That the Standing Rule, in its three sections, is unconstitutional. —1911, p. 217. (See pp. 82, 206, 239, 277, 425, 465).

II. Each commissioner, before his name shall be enrolled as a member of the Assembly, shall produce from his presbytery, a commission under the hand of the moderator and clerk, in the following, or like form—viz.

"The presbytery of being met at on the
" day of doth hereby appoint bishop
"of the congregation of [or ruling elder in the
"congregation of as the case may be;"] (to which the presbytery may, if they think proper, make a substitution in the following form) "or in case of his absence, then bishop of the con-
"gregation of [or ruling elder in the congrega-
"tion of as the case may be:] to be a commissioner, on
"behalf of this presbytery, to the next General Assembly of the Presby-
"terian Church in the United States of America, to meet at
"on the day of A.D. or wherever, and
"whenever the said Assembly may happen to sit; to consult, vote, and
"determine, on all things which may come before that body, according to
"the principles and constitution of this Church, and the Word of God. And
"of his diligence herein, he is to render an account at his return.

Signed by order of the Presbytery,

Moderator,
Clerk."

And the presbytery shall make record of the appointment.

1. The rule must be complied with. A certificate of appointment is not a commission.

The Committee on Commissions presented a supplemental Report, which was adopted, and is as follows:

The Committee on Commissions respectfully report that the commissioners whose names are hereinafter given have presented to the Committee certificates of appointment and not commissions, viz.

The Committee recommend:

1. That these commissioners, although their credentials are informal, be duly enrolled.

2. That the Stated Clerk of the Assembly notify the Stated Clerks of the above-named Presbyteries, that the form of the commission of commissioners to the General Assembly is printed in Chap. xxii of the Form of Government, and that mere certificates of appointment are not a compliance with the requirements of the Constitution.—1896, p. 11.

2. Irregularities and defects in commissions. Commissioner received.

a. Without a commission, but brings testimony of appointment.—1792, p. 48; 1793, p. 65; 1794, p. 79; 1795, p. 94; 1806, p. 347; 1816, p. 605; 1821, p. 7, and *passim.*

b. Commission signed only by the Stated Clerk.—1795, p. 94; 1830, p. 281.

c. Not in due form.—1828, p. 226; 1829, p. 254; 1858, p. 574; N. S.; 1852, p. 201, O. S., and *passim.*

d. Wanting the date of the year of appointment.—1831, p. 317.

e. Wanting signature of moderator.—1831, p. 317; 1833, p. 389; 1834, p. 422; 1835, p. 465; 1869, p. 889, O. S.

f. Extract from the *Minutes* signed by Stated Clerk.—1834, p. 422; 1835, p. 465; 1837, p. 415; 1849, p. 166, N. S.; 1851, p. 9, O. S., and *passim.*

[NOTE.—No. 1, above, forbids this.]

g. Wants the signature of the Clerk.—1834, p. 422; 1836, p. 238; 1839, p. 8, N. S.

h. Dated more than seven months before Assembly.—1834, p. 422.

i. From Presbyteries whose organization has not yet been reported officially to the General Assembly.—1855, p. 265; O. S.; 1865, p. 528, O. S.; 1868, p. 597, O. S.

j. The Committee on Elections also reported that they had satisfactory proof that it was the wish of the Presbytery of Allahabad, in Northern India, that the Rev. L. G. Hay should represent said Presbytery in the General Assembly, but that, on account of the rebellion in India and consequent confusion, the Presbytery had not held a formal election, and the Committee refer the case to the Assembly.

On motion it was ordered that he be admitted to a seat, and his name was accordingly enrolled.—1858, p. 262, O. S.; 1869, p. 889, O. S.

k. The Committee on Elections reported that Rev. James M. Roberts appeared before them with a commission from the Presbytery of Santa Fé, regular in its form, but defective because the Presbytery had fallen below the Constitutional number of five members. The Committee recommend that he be received, and his name enrolled.—1877, p. 507.

1. John G. Kerr, M.D., an elder from the Presbytery of Canton, but without a commission, was enrolled. The facts of the case were referred to a Special Committee, to report a Minute in the case.—1885, pp. 587, 588 and 684.

[NOTE.—Dr. Kerr had been, but was not at the time, an acting elder in the Second Church, Canton, having declined that the church might have native elders only.]

The Committee reported, recommending "that no further action be taken in the case."—1886, p. 114.

[NOTE.—The usage is, that where the Committee on Commissions have satisfactory evidence of the appointment of the commissioner by his Presbytery, his name is enrolled. In other cases the claim is referred to the Assembly.]

3. Some evidence of appointment necessary.

The Committee on Elections reported that Rev. Augustus Brodhead, D.D., of the Presbytery of Allahabad, appeared before them without a commission, and also without any evidence of his election as such, or of the wish of his Presbytery that he should represent them in this Assembly. The Committee recommended no action in the case.—1877, p. 500.

4. The Assembly will not go behind a commission.

In the case below, a member of the Presbytery informed the Assembly that Mr. Bissell had not been set apart as an elder, but appointed, as was supposed, in accordance with the Plan of Union. In answer to a protest, the Assembly reply:

Mr. Bissell was admitted by the Assembly for the following reasons:

1. The commission which Mr. Bissell produced was in due form, and signed by the proper officers of the Presbytery.
2. Every Presbytery has a right to judge of the qualifications of its own members, and it is amenable to Synod, and not to the General Assembly, except by way of appeal or reference or complaint regularly brought up from the inferior judicatories, which has not been done in the present case.
3. It would be a dangerous precedent, and would lead to the destruction of all order in the Church of Christ, to permit unauthorized verbal testimony to set aside an authenticated written document.—1826, p. 181.

5. Enrollment of Commissioners.

See Standing Rules of the General Assembly, Rule 2, p. 363.

6. Pledged Voting by Commissioners.

The Standing Committee on Bills and Overtures presented a report on the resolution referred to it, and proposed by the Rev. Hugh L. Hodge, D.D., which report was adopted, as follows:

Regarding the *Paper* referred to this Committee by the General Assembly on the evils of pledged voting, the Committee counts it sufficient to call attention to the Form of Government, Chapter XXII, Section II, in which each Commissioner is declared to be under obligation "to consult, vote, and determine, on all things that may come before" the General Assembly of which he is a member, which implies that each Commissioner must maintain entire liberty of action during his membership.—1928, p. 79.

7. Advisory members.

"In all regions where through the organization of Union Presbyteries there are no Presbyteries in connection with this Assembly, each mission organized as such under our Board of Foreign Missions may send to the General Assembly an ordained missionary, or ruling elder, as a delegate; and the Standing Rules of the Assembly are hereby so amended that such delegate is entitled to sit as an advisory member in the Assembly, and to speak, under the rules, on all questions, and his expenses from his domicile in this country to and during the Assembly and return, shall be met as those of commissioners, out of the funds of the Assembly."—*Standing Rule, No. 3*, see p. 364. (See p. 138, 10.)

[NOTE.—The Stated Clerk, the Rev. Lewis S. Mudge, D.D., LL.D., made a report on enrollment. Dr. Robert E. Speer presented a request of the Board of Foreign Missions that the Rev. J. W. Willoughby be seated as an Advisory Member from the Mesopotamia United Mission. The Assembly granted this request.—1929, p. 8.] See this *Digest*, p. 466, 7.

8. Corresponding members.

a. *Officers of the Assembly.*

The permanent officers of the judicatory shall have the rights of corresponding members in matters touching their several offices.—*Rules for Judicatories, No. XLII*, p. 334.

b. *Secretaries of the Boards.*

Resolved, That all the secretaries of the Boards of the Church shall have the privileges of corresponding members of the General Assembly in discussions bearing upon the interests of the Boards which they severally represent.—1870, p. 85.

c. *Delegates from corresponding bodies. Ministers casually present.*

[NOTE.—See in this *Digest*, pp. 277-278.]

III. In order, as far as possible, to procure a respectable and full delegation to all our judicatories, it is proper that the expenses of ministers and elders in their attendance on these judicatories, be defrayed by the bodies which they respectively represent.

1. The commissioners' fund. Former plans.

[NOTE.—The Assembly of 1792, p. 59, ordered "that each Presbytery pay their own commissioners for the future, and for attending the present Assembly." In 1803, p. 279, the expense of attending the Assembly from distant Presbyteries was brought to the notice of the body by Overture, and a Committee appointed. On its Report, p. 282, the subject was referred to the Presbyteries, with directions to report to the next Assembly. In 1804, p. 311, the following resolution was adopted, viz.:]

Resolved, That it be recommended to the Presbyteries belonging to the Synod of New York and New Jersey, and to the Synod of Philadelphia, earnestly to advise the churches under their care to make an annual collection, to be specially appropriated to aid in the payment of the expenses of the commissioners from the more distant parts of the country, to enable them to attend the General Assembly, and that the money, when collected, be put into the hands of the treasurer of the corporation, and paid to the persons who may attend as commissioners under the direction of the General Assembly.—1804, p. 311.

A more comprehensive plan, looking to collections in all the churches, was adopted by the Assembly of 1806, pp. 369–371; see also 1807, pp. 385, 386; 1822, p. 56.

In 1833, p. 410, the Assembly urgently pressed the necessity of contribution to the common fund on all the churches under its care.

[NOTE.—See also *Minutes*, 1847, p. 395, O. S.; 1851, p. 24, N. S.; 1857, p. 399, N. S. (*Digest*, 1886, pp. 471, 472); 1870, pp. 59, 100 (*Digest*, 1886, pp. 472–474).]

2. Mileage and Contingent Funds.

[NOTE.—In 1870, the Assembly took action looking toward the establishment of Mileage and Contingent Funds, and amended the plan therefor in 1875, 1877, 1884, and 1896. See *Digest* of 1907, pp. 598–600; also Manual of the General Assembly.]

3. None of the Church judicatories have power to assess a tax upon the churches.

The Committee on Reduced Representation, to whom were referred certain resolutions in reference to the Mileage and Contingent Funds of the General Assembly, reported as follows:

In the judgment of the Committee, the position taken in the resolutions is the constitutional one. None of our Church courts are clothed with the power to assess a tax upon the churches. Apportionments to meet the expenses of the several bodies may be made; but the payment depends upon that voluntary liberality which flows from the enlightened consciences of the people, who may be confidently relied upon to return whatever is necessary for the conduct of our ecclesiastical business. The Committee regret while they appreciate the state of affairs which has led so many Presbyteries to announce their conditional purpose hereafter to withhold their proportion from the Mileage Fund of this body. That Fund has done so much to secure the representation of all parts of the denomination in its supreme court, that it would be a calamity to have it destroyed. The Committee express the hope that the current year will end the embarrassment which now surrounds the fund, and has led to the purposed withdrawal of Presbyterial aid; and that, this removed, the Presbyteries will continue to receive from their churches, and forward to the treasurer of the General Assembly, the full amount of the *per capita* communicant apportionment.

Under the influence of this view of the subject, the Committee report back the resolutions referred to them, and recommend the Assembly to adopt them as follows:

Whereas, Our Form of Government, Chap. xxii, Sec. ii, makes it proper for each Presbytery to pay the expenses of their own commissioners in their attendance upon the General Assembly: if any Presbytery shall choose to do so, the Assembly cannot require them to contribute to the General Fund. Nevertheless, it is hereby

Resolved, 1. That each Presbytery is hereby earnestly requested to contribute annually its full proportion for the commissioners and Contingent Funds of the General Assembly.

Resolved, 2. That any law or resolution or action of previous Assemblies, contrary to, or inconsistent with the above declaration and resolutions, be, and the same hereby is repealed.—1878, pp. 67, 68.

4. The particular church and the forwarding of mileage and contingent funds.

Resolution 1, to be answered as follows:

May a particular church at its discretion forward the full amount, or fraction thereof, of its per capita communicant apportionment to the Mileage, Entertainment, and Contingent Funds directly to the Treasurer of the General Assembly?

To this question, the following answer is recommended:

The Form of Government, Chapter xxii, Section iii, states:

"In order, as far as possible, to procure a respectable and full delegation to all our judicatories, it is proper that the expenses of ministers and elders in their attendance on these judicatories, be defrayed by the bodies which they respectively represent."

In accordance with the constitutional principle thus originally established, the General Assembly has from time to time adopted plans whereby the estimated contingent expenses necessary to maintain properly the Office of the General Assembly, and the Mileage and Entertainment expenses of all commissioners in coming to and returning from the annual meetings of the General Assembly, have been fully met by the apportionment of the whole amount among the several Presbyteries, according to the number of their communicants respectively. In this way the full representation of the churches in the General Assembly has been secured without laying a grevious burden upon the weaker, and more distant Presbyteries.

The essential features of the present plan were adopted by the General Assembly in 1870. Among other things that plan provided:

"1. That the Standing Committee on Mileage, annually appointed, be instructed to present an estimate of the probable amount that will be needed by the next General Assembly, in order to meet their contingent expenses and the traveling expenses of their commissioners, with a statement of the per capita rate, based on the number of communicants, that will be needed to secure the amount.

2. That the Presbyteries, at their stated meeting next following the adjournment of the General Assembly, apportion the amount required of their churches as they deem best.

3. That the churches be instructed to pay over their respective apportionments at the stated meeting of their Presbyteries next preceding the meeting of the General Assembly.

6. That, in order to avail themselves of the proceeds of this fund, the Presbyteries must contribute their *full* proportion to it according to the per capita rate." (*Minutes*, 1870, p. 59.)

Every Presbytery, with rare exceptions, under these provisions at present pays to the Treasurer of the General Assembly the sum of thirteen cents for every communicant under the care of its churches. This per capita communicant apportionment among the churches is not an assessment. There is no legal requirement binding the churches to pay the General Assembly annually this apportionment. The General Assembly itself has declared that

"None of our Church courts are clothed with the power to assess a tax upon the churches. Apportionments to meet the expenses of the several bodies may be made; but the payment depends upon that voluntary liberality which flows from the enlightened consciences of the people, who may be confidently relied upon to return whatever is necessary for the conduct of our ecclesiastical business." (*Minutes*, 1878, p. 67; this *Digest*, p. 477.)

The obligation is simply one of mutual help and Christian honor instituted to secure the representation of all parts of the denomination upon the meetings of our judicatories and to maintain properly the Office of the General Assembly.

In view of these facts, it is very evident that there is no way by which the General Assembly can compel an individual church to contribute to the Mileage, Entertainment, and Contingent Funds. If the contributing to such funds, therefore, is purely voluntary, it is hardly conceivable that the General Assembly can insist upon a strict compliance on the part of all churches to the specific directions which it has issued by which these Funds are to be collected and forwarded. While these directions set forth a uniform method which has been eminently successful only because of the hearty coöperation of all our churches and Presbyteries, nevertheless there is no way to prevent an individual church at its discretion from forwarding the full amount, or a fraction thereof, of its per capita communicant apportionment directly to the Treasurer of the General Assembly.

In thus answering this question, your Committee would recommend the adoption of the following recommendations:

1. That all churches be urged to send their per capita communicant apportionment to their respective Presbyteries in order that all Presbyteries may be able to forward their full proportion of the Mileage, Entertainment, and Contingent Funds to the Treasurer of the General Assembly, and thereby be entitled to have paid to their respective commissioners the total sum due them in connection with expenditures incurred in attendance upon the meeting of the General Assembly.
2. That all Presbyteries be urged to respect the rights to which the churches under their jurisdiction are entitled under the provisions of the General Assembly's Plan for the maintenance of its Mileage, Entertainment, and Contingent Funds, and not to deny reasonable representation in the higher judicatories to any of them on the ground of alleged ecclesiastical opinions or of alleged theological delinquences on the part of their pastors or ruling elders which have not been made the basis of due process according to the provisions of the Book of Discipline.—1929, p. 112.

5. Payment of mileage account authorized.

A commissioner to the General Assembly almost immediately after enrollment was called home by the death of his father, and the treasurer was authorized to pay his mileage account.—1930, p. 33.

6. Treasurer authorized to pay additional bills.

That the Treasurer of the Assembly, be authorized at his discretion to pay commissioners for any further sums that may be considered justly due them, by reason of their having underestimated railroad charges, etc. —1897, p. 137; also 1887, p. 132; 1912, p. 217.

7. Assembly adjusts loss in re Presbyterial apportionment.

The Stated Clerk reported to the Assembly that the Presbytery of St. Clairsville had sent to the Treasurer of the General Assembly a check in payment of its apportionment, but before the check could be collected, the bank upon which it was drawn failed, and the check was returned. The Presbytery, therefore, being in financial distress, the Assembly directed the Treasurer of the General Assembly to return to the Presbyterial Treasurer the sum later sent to him, which the Presbytery had borrowed, after the necessary amount for the Commissioners' expenses in attending this Assembly have been deducted.—1927, p. 180.

8. Power of the Assembly over these funds.

a. *Overture* from the Presbytery of Philadelphia Central, asking the Assembly that the "Surplus Mileage Fund, if the way be clear, be devoted to the payment of the indebtedness of the Boards of the Church."

The Committee recommend for answer, that the Assembly has no power to devote the funds collected for the expenses of the Assembly to other purposes.—1891, p. 107.

b. *Overtures*, from the Presbyteries of Carlisle, Detroit and Santa Fé, each making the same request, namely, that the surplus now in the hands of the Stated Clerk as Treasurer of the General Assembly, derived from Presbyterial apportionments, be at once appropriated toward paying the debts of the Boards of the Church.

Your Committee direct attention to the ruling of the General Assembly of 1891 (*Minutes*, p. 107) that the Assembly "has no power to devote the funds collected for the expenses of the Assembly to any other purpose," and recommend that said Overtures be answered in the negative.—1896, p. 118.

9. Money collected from apportionments by Assembly not available for administration of Synods and Presbyteries.

On *Overture No. 21*, from the Synod of Illinois, that the Assembly "reduce expenses of administration, so that without increasing apportionments there may be sufficient funds for the administration of Synods and Presbyteries," the Committee has to report that no money collected by the Assembly from apportionments can be devoted to the administration of Synods and Presbyteries.—1909, p. 203.

CHAPTER XXIII.

OF THE ORGANIZATIONS OF THE CHURCH: THEIR RIGHTS AND DUTIES.

I. The members of a particular church or particular churches may associate together, and may associate with themselves other regular members of the congregation or congregations, under regular forms of association, for the conduct of a special work for missionary or other benevolent purposes, or for the purpose of instruction in religion and development in Christian nurture.

II. Where special organizations of the character above indicated exist in a particular church, they shall be under the immediate direction, control, and oversight of the session of said church; where they cover the territory included within a presbytery or synod, they shall be responsible to the judicatory having jurisdiction; and where they cover territory greater than a synod, they shall be responsible to the General Assembly.

III. The names or titles of special organizations may be chosen by themselves, and the organizations shall have power to adopt each its own constitution and to elect its own officers, subject always to the powers of review and control vested by the Constitution in the several judicatories of the Church.

IV. Whenever the functions of the special organizations shall include the collecting and distributing of moneys for benevolent work, it shall be done always subject to the power of oversight and direction vested by the Constitution in the session and in the higher judicatories.

CHAPTER XXIV.

OF AMENDMENTS.

I. Amendments or alterations of the Form of Government, Book of Discipline, and Directory for Worship, may be proposed by the General Assembly to the presbyteries, but shall not be obligatory on the Church unless a majority of all the presbyteries approve thereof in writing.

1. General Assembly not required to discuss the merits of subject matter involved in overtures sent down.

Overture 6. Your Committee finds that the particular mode by which amendments or alterations to the administrative standards may be effected is set forth in Chapter xxiv, of the Form of Government. Section I of this Chapter provides that, "Amendments or alterations of the Form of Government may be proposed by the General Assembly to the Presbyteries." The General Assembly therefore, after an overture from a Presbytery suggesting amendments, or a resolution offered for the purpose, has been received, has discretionary power in initiating the process by which an overture containing the proposed amendments is sent down to the Presbyteries. In the exercise of this discretionary power there is no constitutional requirement which compels the General Assembly to discuss the merits of the subject involved. On the contrary, the whole spirit of Chapter xxiv would indicate that such discussion is primarily the prerogative of the presbyteries.—1930, p. 137.

II. Amendments or alterations of the Confession of Faith, and the Larger and Shorter Catechisms, may be proposed to the presbyteries by the General Assembly, but shall not be obligatory on the Church unless they shall be approved in writing by two-thirds of all the presbyteries, and agreed to and enacted by the General Assembly next ensuing, and the written votes of the presbyteries shall be returned to that Assembly.

III. Before any amendments or alterations of the Confession of Faith, or the Larger and Shorter Catechisms, proposed by the General Assembly shall be transmitted to the presbyteries, the General Assembly shall appoint—to consider the subject—a committee of ministers and ruling elders, in number not less than fifteen, of whom not more than two shall be from any one synod, and the committee shall report its recommendations to the General Assembly next ensuing, for action.

1. Member withdraws because of transfer to another Synod.

After signing the Report [on Revision] on April 19, 1902, Dr. [J. Ross] Stevenson forwarded to the Moderator of the General Assembly his formal resignation as a member of this Committee. In doing so, he stated as his reason his anticipated transfer of membership from the Synod of Missouri to the Synod of New York, which latter Synod already had its full representation on the Committee under the provision of the Form of Government, Chap. xxiii, Sec. iii. He desired, that no question of Constitutionality should be raised on account of this change.—1902, p. 97.

IV. No alterations of the provisions contained in this chapter for amendment or altering the Confession of Faith, and the Larger and Shorter Catechisms, or of this fourth section, shall be made, unless an Overture from the General Assembly, submitting the proposed alterations, shall be transmitted to all the presbyteries, and be approved in writing by two-thirds of their number, and be agreed to and enacted by the General Assembly.

V. It shall be obligatory on the General Assembly to transmit to the presbyteries, for approval or disapproval, any Overture respecting amendments or alterations provided for in this chapter, which shall be submitted to the same General Assembly by one-third of all the presbyteries. In such cases the Overture shall be formulated and transmitted by the General Assembly receiving the same to the presbyteries for their action, subject, as to all subsequent proceedings, to the provisions of the foregoing sections.

VI. Whenever it shall appear to the General Assembly that any proposed amendments or alterations of the Form of Government, Book of Discipline, and Directory for Worship, shall have received a majority vote of all the presbyteries, the General Assembly shall declare such amendments or alterations to have been adopted, and the same shall immediately go into effect.

1. Amendments declared inoperative because of prior agreement as to Reunion.

a. *Whereas*, In 1904–5 the Presbyterian Church in the United States of America adopted certain amendments to its Form of Government and Book of Discipline with reference to Judicial Commissions, etc.; and,

Whereas, The said Church had previously entered into a solemn agreement with the Cumberland Presbyterian Church for Reunion and Union on a doctrinal and ecclesiastical basis, specifically defined and conditioned, and had provided that said basis should be binding upon the fulfillment of the conditions; and,

Whereas, Said conditions have been fulfilled and said basis has become binding:

Now the General Assembly of the Presbyterian Church in the United States of America hereby adjudges and solemnly declares that, by virtue of said prior agreement fixing the basis of Reunion and Union as aforesaid, under which organic union is now to be consummated, the amendments above referred to and not contemplated as a part of said basis, upon the consummation of Union will be forthwith no longer in force, nor will they be operative in the reunited Church as any part of its ecclesiastical Standards, until and unless resubmitted to the Presbyteries of the reunited Church; and all the Presbyteries and Synods of the Church are enjoined in all cases hereafter arising to act under the standards as they existed on May 27, 1904, except as amended in respect to Form of Government, Chap. x, Sec. ii, in relation to erection of separate Presbyteries and Synods for different races and nationalities.—1905, p. 15.

2. Amendments sent down a second time.

The Committee to Canvass the Vote of the Presbyteries upon Overtures sent down by the Assembly of 1905 presented the following Report, which was adopted:

Your Committee has been appointed to canvass the written answers to Overtures sent down by the last Assembly to the Presbyteries. These Overtures relate to certain amendments to our Form of Government and Book of Discipline amendatory of the scheme or plan for Judicial Commissions, incorporated into the Book of Discipline and Form of Government by the adoption of *Overtures* relating thereto, *Nos. 1–5*, sent down by the Assembly of 1904 to the Presbyteries.

This Assembly has already declared (see *Minutes* of Friday, May 18, 1906) in effect that such amendments (to any of our Standards since the Plan of Union and Reunion, embodying a Basis of Union, was crystallized as of the time it was agreed to by the two contracting Churches) would in the event of the consummation of organic union be no longer operative until and unless resubmitted to all the Presbyteries of the reunited Church.

The Overtures submitted to your Committee, and those adopted by the last General Assembly after canvassing the answers to the Overtures sent down by the Assembly of 1904, fall within this category, and organic Union having been consummated, it would be an idle form to proceed along the lines indicated by the resolution of the Assembly of 1901, above referred to, and your Committee accordingly recommend the adoption of the following resolutions:

Resolved, 1. That the Report of the Stated Clerk referred to this Committee be spread upon the *Minutes*, to preserve the Record of the affirmative action of a Constitutional majority of the Presbyteries.

Resolved, 2. That your Committee be excused from making the canvass, and the Moderator relieved from the duty of making an empty declaration, in view of this Assembly's above-mentioned action of May 18, 1906.

Resolved, 3. That in order to effectuate legally the plan as to Judicial Commissions, so far acceptable to the Church, and sought to be completed and perfected by the amendments specified in the Overtures referred to this Committee, free from any question of breach of faith to the one hundred and fourteen (114) Presbyteries yesterday received into and now belonging to our Church, which did not have in contemplation these modifications of our ecclesiastical Standards when they assented to the Basis and Plan of Union and Reunion, this Assembly proposes to all the Presbyteries of the reunited Church, by Overtures appropriate thereto, the amendment of the Book of Discipline and the Form of Government so as to embody the result of affirmative action by our Presbyteries upon the *Overtures, Nos. 1–5* inclusive, sent down in the premises by the General Assembly of 1904, as affected and supplemented by the *Overtures, Nos. 1–4* inclusive, sent down by the General Assembly of 1905; and that the Stated Clerk be, and he hereby is, authorized to prepare such Overtures and to send them down, prefaced by the inquiry, "Shall the Book of Discipline or Form of Government (as the case may be, with proper reference to the Chapter and Section) be amended, from the form in which it stood at the time the Basis of Union between the Cumberland Presbyterian Church and the Presbyterian Church in the U. S. A. was agreed to, so as to read as follows?"—1906, pp. 154, 155.

VII. Nothing in this chapter shall be so construed as to affect the right of two-thirds of the presbyteries to propose amendments or alterations of the Confession of Faith, and the Larger and Shorter Catechisms, or of the General Assembly to agree to and enact the same.

1. Duty of the Stated Clerk in reference to answers to Overtures. Committee of Canvass and action of the Assembly.

Resolved, That it shall be the duty of the Stated Clerk to present to the General Assembly next ensuing any Assembly which has sent down an Overture, the written answers to said Overture which may have been received by him from the Presbyteries. And thereupon, such statement from the Clerk, together with the written answers to said Overture, shall be referred by the Assembly to [the Standing Committee on Polity.] (So amended by the Assembly of 1930, see *Minutes*, p. 235.)

And, upon the Report of such Committee, that after canvassing the written answers of the Presbyteries to any Overture or Overtures, amending or altering the Form of Government, the Book of Discipline, or the Directory for Worship, it appears that it has been approved in writing by a majority of the Presbyteries, the General Assembly shall by resolution declare such amendment or alteration to have been adopted, as a part of the Form of Government, Book of Discipline, or Directory for Worship (as the case may be) of the Presbyterian Church in the United States of America.

And further, upon the Report of such Committee, that after canvassing the written answers of the Presbyteries to any Overture proposing to amend or alter the Confession of Faith or the Larger or Shorter Catechism, it appears that it has been approved in writing by two thirds of the Presbyteries, the General Assembly shall proceed to take such action concerning said proposed amendment or alteration as may seem expedient —under Sec. iv of said Chap. xxiv of the Form of Government, concerning Amendments—which requires said amendment or alteration to be agreed to and enacted by the General Assembly, before it becomes a part of the Confession of Faith, or the Larger or Shorter Catechism of the Presbyterian Church in the United States of America.—1891, p. 142.

2. Overtures amending the Directory for Worship already favorably voted on may not be recommitted.

Overture No. 156, from the Presbytery of Washington City, asking the General Assembly to recommit *Overture No. 7* sent down to the Presbyteries by the last Assembly. It is recommended that the Overture be answered as follows:

"That the Assembly has no power to recommit Overtures sent down to the Presbyteries for the amendment of the Directory for Worship, when the Presbyteries have voted in favor of the same by a Constitutional majority."—1908, p. 114.

3. Form for Report to the General Assembly of the votes of the Presbyteries on the Overtures.

The Stated Clerk respectfully reports to the General Assembly the votes of the Presbyteries on the Overtures upon the Revision of the Confession of Faith, sent down by the last General Assembly, and transmitted to him in writing by the Presbyterial Stated Clerks. The votes are as follows: [See for the vote by Presbyteries, 1903, pp. 15–18.]

4. Appointment of Committee of Canvass.

The following recommendations are submitted for adoption:

1. That the Moderator shall appoint a Committee of Canvass of the answers to the Overtures on Revision, composed of three ministers and two elders, to whom this Report and the written answers of the Presbyteries accompanying it are hereby referred.

2. That the Committee of Canvass shall report to this Assembly a full statement of the vote on the Overtures, and the text of such acts as are necessary for the exercise by the Assembly of its power and the performance of its duty in connection therewith.—1903, p. 18.

See for Reports of Committee on Revision, this *Digest*, pp. 9–12.

5. Form for Report of the Committee of Canvass, and enactments by the General Assembly.

Your Committee having canvassed the written returns from the Presbyteries on the Revision Overtures, and having found that the returns are in order, and that all the Overtures have received more than the necessary affirmative votes of two thirds of the Presbyteries, report that it is therefore the duty of this Assembly to take action now, according to the Form of Government, Chap. ii, xxiv, Sec. in regard to the enactment of the Overtures. We recommend that in view of the great importance of the subject, and in order to meet in full all legal and technical requirements, action shall be taken upon the Overtures *seriatim*, and as follows:

1. *Resolved*, That *Overture No. 1*, having received the affirmative vote of 221 Presbyteries, submitted in writing, be and hereby is agreed to and enacted by this General Assembly, and we declare that the following

Preamble to a Declaratory Statement is a part of the Constitution of the Presbyterian Church in the U. S. A.—1903, p. 124.

[Similar enactments for each Overture were adopted by the Assembly; see 1903, pp. 124–128.]

6. Resolution of enactment for the whole Revision.

a. *Resolved,* That the Assembly do now declare that the whole revision of the Confession of Faith, approved and proposed to the Church by the Assembly of 1902, adopted by the Constitutional vote of two thirds of the Presbyteries, has been agreed to and enacted by this General Assembly of 1903, and is now incorporated into the doctrinal Standards of the Presbyterian Church in the United States of America, and that this Assembly do now hold a service of thanksgiving and praise to God, the Father, the Son, and the Holy Spirit, who has led us to this conclusion in brotherly love, in an earnest desire to promote his glory, and in steadfast loyalty to the truth as it is in Jesus Christ our only Lord and Saviour.—1903, p. 128.

b. After the adoption of the several paragraphs *seriatim,* the whole Report was adopted unanimously by a rising vote.—1903, p. 124.

7. Declaration by the Moderator.

The Moderator, by the authority committed to him, declared the subject-matter of the following Overtures, sent down to the Presbyteries by the Assembly of 1902, and reported upon by the Committee on Canvass, to be now a part of the Constitution of the Church, as follows, viz.:

Overtures Nos. one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10).—1903, p. 128.

8. Necessary changes committed to the Permanent Committee on the Constitution.

Authority was given to the Permanent Committee on Editions of the Constitution to make the changes in the Constitution made necessary by the adoption and enactment of the Overtures.—1903, p. 125.

[NOTE.—The same authority given on other changes.—1902, p. 162.]

9. Action as to the vote of foreign Presbyteries.

The Stated Clerk presented to the Assembly the need of action on the matter of securing answers from all the Presbyteries, more especially those in foreign mission lands, to the Overtures on Revision. The subject was referred to the Committee on Bills and Overtures. The Committee presented the following Report, which was adopted:

Whereas, All Presbyteries are equally entitled to vote upon every Overture transmitted to the General Assembly; and,

Whereas, A failure to vote upon such Overtures is equivalent to a negative vote; therefore,

Resolved, That the Stated Clerk be instructed to make special requisition upon the foreign mission Presbyteries, which not unfrequently decline to exercise their rights in this regard, to consider and vote promptly upon all the Overtures relating to the Revision of the Confession of Faith and report their action to him.—1902, p. 153.

Overture No. 59, from the Weihsien Presbytery of the Synod of North China, asking that in cases where the foreign Presbyteries decline to vote, the attitude of these Presbyteries toward the question at issue be considered as neutral, and not negative. The Committee recommends that no action be taken.—1904, p. 177.

10. The Reunion and Union with the Cumberland Presbyterian Church.

[See for Report of Committees of Canvass of the Assemblies at Winona and Fresno, 1905, also for Announcements of Moderators, 1906, *Digest*, 1922, Vol. II, pp. 55–67.]

11. Form for declaration as to adoption of Overtures.

a. Upon the approval of this Report, the Moderator announced as follows:

"I announce that the Overtures on Pastor Emeritus, *Constitutional Rule No. 3*, Limitation upon Time of Licensure of Candidates, Supply of Vacant Churches, Ministers from Other Denominations, and Salaries of Ministers, having been adopted by a Constitutional majority of the Presbyteries, are now a part of the Constitution of the Church."—1901, p. 163.

b. The Stated Clerk was directed and authorized to insert the Overtures, declared by the Moderator to have been adopted, in their proper place in the Constitution of the Church.—1901, p. 163.

[Note.—Similar announcements were made and directions given as to all the Amendments adopted from time to time.]

CHAPTER XXV.

OF THE BOARD OF DEACONS.

I. The Board of Deacons consists of the pastor, or pastors, and deacons of a particular congregation.

II. Of this board, two deacons, if there be as many in the congregation, with the pastor, shall be necessary to constitute a quorum.

III. The moderator of the Board of Deacons shall be the pastor, or, in his absence, a deacon appointed by him. The Board shall elect from its membership its own secretary and treasurer.

IV. The Board of Deacons shall have charge of the poor of the congregation, and may perform such other administrative charitable and community duties, the disbursement of charitable funds included, as may be determined upon, after consultation with and action by the Session. The Board of Deacons shall report to the Session all disbursements.

V. The Board of Deacons shall report annually to the Session upon all business transacted, and its minutes shall be reviewed at least annually by the Session, subject to the supervisory authority of the Presbytery.

VI. The deacons may be entrusted in addition with the care and management of the temporalities of the Church, and when so entrusted they shall report at least annually upon the same to the Session, being subject also to the supervisory authority of the Presbytery.

CHAPTER XXVI.

OF GENERAL COUNCILS.

I. A General Council is hereby established, with authority and duties as herein specified.

II. The General Council, subject to the authority of the General Assembly, shall assume and discharge the following duties: To supervise the spiritual and material interests of the Boards of the Church; to correspond with and advise the General Councils of Presbyteries and Synods; to prepare and submit annually to the General Assembly the Budget for the permanent benevolent and missionary Agencies of the Church including self-supporting Synods and Presbyteries; to consider between annual meetings of the General Assembly cases of serious embarrassment or emergency concerning the benevolent and missionary work of the Church, and to provide direct methods of relief.

1. Statement of the functions of the General Council.

The General Assembly of 1929 received the following resolution from the Presbytery of Detroit:

"That it is the sense of this Assembly that the initiation by the General Council of legislation involving changes in the constitution and practice of the church should be confined to those matters specifically referred to said Council for such purpose by the General Assembly."

In response to this Resolution, the Assembly took the following action:

"The General Council is an agency established by the Constitution of the Church and its duties and authority are prescribed in the Form of Government, Chapter xxvi, as amended in 1925. Its specific duties are enumerated in Section ii of the Chapter as follows: (a) To supervise the spiritual and material interests of the Boards of the Church; (b) To correspond with and advise the General Councils of Presbyteries and Synods; (c) To prepare and submit annually to the General Assembly the Budget for the permanent benevolent and missionary agencies of the Church, including self-supporting Synods and Presbyteries; (d) To consider between annual meetings of the General Assembly cases of serious embarrassment or emergency concerning the benevolent and missionary work of the Church and to provide direct methods of relief.

"Its general duties are prescribed in Section iii of the Chapter as follows: (a) To coördinate the missionary and benevolent program of the Church as proposed by its Boards; (b) To promote Christian benevolence and stewardship throughout the Church; (c) To cultivate sound methods of church finance and development in all congregations, as well as Presbyteries and Synods of the highest possible spiritual efficiency.

"The General Council's unnamed duties are stated in Section iv to be such as the General Assembly shall from time to time require and authorize.

"The limitations of the duty and authority of the General Councils are stated in Section xii of the Chapter, in the following language: "General Councils shall handle and consider only such administrative business as may be referred to them by the electing judicatories as indicated in the succeeding sections, and shall have no power of initiating action except as hereafter provided. No judicial business shall be referred to a General Council."

"The constitutional provisions which set forth the duties and authority of the General Council make it quite clear that the main functions of said Councils are administrative, and there is a constitutional prohibition against a judicatory referring judicial business to a General Council, and such Councils shall not have power to initiate any action except as provided in the Constitution.

"A study of all the provisions for the General Council makes it evident that the General Assembly should not refer to the General Council the consideration of any judicial business and by implication there should not be referred to the General Council a question of doctrine or a question affecting the form of the government of the Church, or any other question not germane to the general administrative functions of the General Council."

The action of the 1929 General Assembly above quoted raises certain questions which require answer. It will be recalled that in 1923–24 in connection with the general revision of the organized activities of the Church, Overtures were sent down to the Presbyteries proposing amendments to Chapter xxvi of the Form of Government. Of this Chapter as it now stands Sections i to ix were entirely new. The remaining sections of the Chapter after being amended in minor particulars were renumbered beginning x to xvii consecutively. The verbal changes just referred to were, it would now appear, not as complete as clearness required. This is true in a particular degree in connection with Sections now numbered xii and xvi. The General Council of the General Assembly has never to date operated under the requirements of these two sections, it having been assumed, apparently with warrant, that said Sections xii and xvi being a part of the Chapter which has reference only to the General Councils of Synods and Presbyteries, referred to them exclusively. This view is supported by the reading of Section iv which declares without qualification "that the General Council shall discharge *such other duties* as the General Assembly from time to time require and authorize." Obviously, these words if interpreted literally are in conflict with Section xii of this Chapter.

General Assembly Minutes 1922, Part I, p. 172, reads as follows:

"It is proposed to give to the General Council, the power to act upon its own initiative and also supervision over the spiritual and material interests of the Boards and Agencies of the Church. It is to be borne in mind, however, that these powers of supervision are always subject to the authority of the General Assembly. It is not the intention of this Committee to recommend the creation of an independent body with general powers of supervision which might be exercised without due subordination to the wishes of the General Assembly. It is believed that by placing upon the General Council the duty of supervision and direction, together with the right to initiate action upon its own motion, checking the exercise thereof with the necessity of securing the approval of the General Assembly, an efficient method of performing the work of the Church will be attained."

As these words are a part of the Report of the Committee on Reorganization and Consolidation and immediately precede the proposals of the Committee with reference to the constitution of the General Council, it is fair to assume that Section iv in the minds of its authors was intended to apply only to the General Council of the General Assembly, while Sections xii and xvi were intended to apply only to Synods and Presbyteries, Section iv, obviously, carrying in its verbiage the spirit and the purpose embodied in the above quotation from the 1922 Minutes.

It is manifestly important that the sphere of the authority of the General Council of the General Assembly should be clearly and accurately defined. We would suggest, therefore:

That this General Assembly declare it to be its judgment:

1. That Form of Government, Chapter xxvi, Sections xii and xvi refer only to General Councils of Synods and Presbyteries.

2. That business of a doctrinal or judicial character (Book of Discipline Chapter 1, Section 5) shall not be originated by or referred to the General Council of the General Assembly, and that all amendments to the Constitution proposed by the General Council shall be submitted to the General Assembly through the appropriate Standing Committee.—1930, p. 189.

2. General Council empowered to act when rights of Church are involved.

At the request of the Executive Commission, the following Standing Rule, presented by Elder Thomas E. D. Bradley, was adopted:

That the Executive Commission (now General Council) be and it hereby is authorized and empowered, whenever property rights of the Presbyterian Church are threatened or involved, to take any such action as may be necessary or proper to protect or preserve such rights; to intervene in any suit or proceeding already begun; or institute any other such proceedings at law or in equity, as may be necessary to carry out the authority hereby conferred; and to delegate to, authorize, and empower the Moderator and Stated Clerk of the General Assembly to sign, in the name of the General Assembly of the Presbyterian Church in the United States of America, any and all documents which may be deemed necessary to exercise the power hereby conferred.—1922, p. 94.

3. General Council's authority in re Pension Plan and eligible official beneficiaries.

That in the event of the Pension Plan being put into effect during the coming year, the General Council be authorized to appropriate from the General Assembly funds sufficient money to pay the seven and one-half percent due on behalf of the Stated Clerk and eligible employees of the Office of the General Assembly.—1926, p. 111.

That the General Council be authorized to pay from the funds of the Committee on Program and Field Activities of the General Council, a sum sufficient to pay the seven and one-half percent due on behalf of secretaries and eligible employees of the Promotion Department of the General Council.—1926, p. 111.

4. Emergency appeals should first be referred to Secretary of General Council.

It is recommended that emergency appeals [from the Boards] shall, before being made, be referred to the Secretary of the General Council who shall obtain approval from the Chairman of the Council and from the Chairmen of the Budget and Finance Committee and the Program and

Field Activities Committees before the Board concerned or any committee of said Board may submit such an appeal to the Church.—1929, p. 158.

III. The General Council, subject to the authority of the General Assembly, shall also make suitable provision for the discharge of such duties as the following:

The coördination of the missionary and benevolent programs of the Church, as proposed by its Boards; the promotion of Christian benevolence and stewardship throughout the Church; the cultivation of sound methods of church finance and the development in all congregations as well as Presbyteries and Synods of the highest possible spiritual efficiency.

IV. The General Council shall discharge such other duties as the General Assembly shall from time to time require and authorize.

V. The General Council shall be composed of the following members: the Moderator of the General Assembly; the Stated Clerk of the General Assembly; the retiring Moderator of the General Assembly and his nearest living predecessor; one representative from each of the Boards of the Church, who shall be elected by the Board which he is to represent; and fifteen members at large elected by the General Assembly in such manner as it may determine—five chosen for three years, five for two years, and five for one year; and thereafter five each year for a term of three years, three of whom shall be ruling elders.

No member elected from the Church-at-Large, having served for two consecutive three-year terms, shall be eligible for reëlection until after an interim of at least one year.

1. Meetings and membership.

The Executive Commission met preceding and during the sessions of the General Assembly at Atlantic City, N. J., May 16, 1916, to May 26, 1916. The first meeting of the Commission with a new chairman and the newly elected members was held at Atlantic City, May 26, 1916. Subsequent meetings were held at Atlantic City, N. J., October 25, 26, 1916, and February 21, 22, 1917. A special meeting was held at New York, N. Y., April 4, 1917, at which a quorum was present. The Commission is in session at Dallas, Tex., and awaits the pleasure of the General Assembly.

In this connection the attention of the Assembly is asked to the provisions of Form of Government, Chap. xxvi, Sec. i, which pertain to the membership of the Commission. The number is to be not less than fifteen, and to be divided in each case, as equally as practicable, between ministers and ruling elders. No member, salaried officer or employee of a missionary or benevolent board or organization, under the direction of the judicatory concerned, shall be a member. The term of service shall be three years, and the members shall be divided into three classes, one of which shall be elected annually.

The General Assembly, prior to adoption of the above section of the Form of Government, itself passed a rule with reference to the election of members, providing that "no person who has served a full term of three years on the Executive Commission shall be eligible for reëlection until another full term of three years has intervened." The Commission draws attention to the fact that this latter rule, as to ineligibility to reëlection, does not appear in any form in Chap. xxvi of the Form of Government. It is, therefore, a provision subject to change by the Assembly.—1917, p. 21.

2. Rule as to absentee members.

The Committee on the Members of the Executive Commission recommended the adoption by the Assembly of 1919, of the following resolution:

Resolved, That hereafter it be a rule of the Assembly that when members of the Executive Commission are absent from three consecutive meetings, that their places become automatically vacant. (*Minutes*, 1919, p. 245.)

An interpretation of the above rule was approved by the Commission as follows:

Resolved, That in administering the rule of the General Assembly with respect to vacating the places of members of the Executive Commission who have been absent from three consecutive meetings, the word "Hereafter" shall be construed as applying to a time subsequent to the adjournment of the General Assembly which adopted the rule; and that meetings of the Executive Commission held in connection with the General Assembly at which new members of the Executive Commission are appointed, shall not be considered as applicable to the cases of such new members. —1920, p. 226.

3. Quorum of General Council not fixed.

Overture 31 from the Presbytery of Minneapolis, concerning the fixing of a quorum of the General Council. We recommend that no action be taken.—1924, p. 161.

VI. The Moderator of the General Assembly shall be the chairman of the General Council, who shall enter upon his duties immediately after the election of the new members by the Assembly. The General Council shall elect from its members a vice chairman who shall serve for one year. The chairman and vice chairman shall serve without salary.

VII. The General Council shall elect a secretary. His duties, term of office, and salary shall be determined by the General, Council subject to the approval of the General Assembly.

VIII. The General Council shall keep a record of its proceedings and shall submit to each General Assembly for approval a report of all business transacted.

IX. The General Council shall be authorized to adopt rules for the conduct of its business, not inconsistent with the authority herein granted or the laws of the Church.

X. A Presbytery or a Synod may elect from the ministers and ruling elders composing it a General Council, which shall consist of not less than five members for a Presbytery and not less than fifteen members for a Synod. The membership shall be divided, in each case, as equally as practicable, between ministers and ruling elders. No member, salaried officer or employee of a missionary or benevolent board or organization, under the direction of the judicatory concerned, shall be a member. Vacancies may be filled by the moderator of the judicatory until the next regular meeting. The term of service shall be three years and the members shall be divided into three classes, one of which shall be elected annually. A quorum of the General Council of a Presbytery shall be three ministers and as many elders as may be present; a quorum of the General Council of a Synod shall be seven ministers and as many elders as may be present. Less than a quorum may adjourn to a fixed date.

XI. A Presbytery or a Synod shall elect the chairman of its General Council, and the stated clerk of the electing judicatory shall be the secretary of the Council. Stated clerks of these judicatories, when secretaries of their General Councils, shall not be members of the Councils.

XII. General Councils shall handle and consider only such administrative business as may be referred to them by the electing judicatories, as indicated in the succeeding sections, and shall have no power of initiating action except as hereinafter provided. No judicial business shall be referred to a General Council.

[NOTE.—The General Assembly of 1930 unanimously adopted the following as its judgment: That Form of Government Chap. xxvi, Sec. xii–xvi refer only to General Councils of Synods and Presbyteries.—1930, pp. 189–192.] (See p. 488.)

XIII. The proceedings of a General Council shall be conducted in accordance with the provisions of the Constitution and Rules of the Church. The Council may sit in private whenever deemed advisable, and all business transacted shall be held as private unless definitely voted otherwise.

XIV. The General Council of a Presbytery may have the following general powers when voted by the electing Presbytery: to prepare the docket of business for the meeting of the Presbytery, with the assistance of the stated clerk; to consider and report upon all proposals and appeals for moneys; to correspond with the general Councils of Synods and the General Assembly, and to present to the churches the budget of the missionary and benevolent causes and Agencies as adopted by the General Assembly. It may have also the following specific powers, when voted by the Presbytery: to receive and dismiss ministers, in good standing, who are without pastoral charge, in the intervals between regular meetings; to receive under care of Presbytery licentiates or candidates for the ministry from other Presbyteries; to install ministers, to organize or to dissolve churches, and to adjust difficulties in particular churches, after appropriate action by Presbytery. The General Council shall report at each regular meeting of Presbytery every item of business transacted by it. Its decisions shall be operative, wherever power has been conferred, but may be reviewed and reversed by Presbytery.

1. Powers which a Presbytery may confer on its General Council.

In answer to the request of members of the General Council of Albany Presbytery referred through the General Council of the General Assembly to this General Assembly for reply, it is recommended that the General Assembly declares it to be its judgment that Form of Government, Chapter xxvi, Section xiv, details all of the general powers and all of the specific powers which a Presbytery may legally confer on its General Council. The provisions of this section limit definitely the discretionary power of a Presbytery with reference to the functions which it may bestow upon its General Council.—1930, p. 138.

XV. The General Council of a Synod may have the following powers, when specifically voted by the electing Synod: to prepare the docket of business for the meeting of the Synod, with the assistance of the stated clerk; to correspond with the General Councils of Presbyteries and the General Assembly; to carry out the directions of Synod with respect to the Presbyteries, Sessions and people under the care of Synod; to inquire into conditions existing in any Presbytery; but it shall not receive power to erect, unite or divine Presbyteries, and, in consultation with the Presbyteries or the General Councils of the Presbyteries under the Synod, to have charge of the budget of the benevolent and missionary causes and Agencies within the Synod. The General Council shall report at each regular meeting of Synod every item of business transacted by it. Its decisions shall be operative wherever power has been conferred, but may be reviewed and reversed by Synod.

XVI. General Councils shall meet on their own appointment and adjournment, and at the call of the electing judicatory, but shall not meet during the regular meetings of the electing judicatory, unless specifically authorized so to do by the judicatory. The minutes shall be submitted annually to the electing judicatory for review, and shall be referred, for the purpose, to the Committee on Bills and Overtures or similar committees. The expenses of the General Councils shall be provided for by the electing judicatories.

[Note.—The General Assembly of 1930 unanimously adopted the following as its Judgment: That Form of Government, Chap xxvi, Secs. xii–xvi refer only to General Councils of Synods and Presbyteries,—1930, pp. 189–192.] (See p. 488.)

XVII. Nothing in this chapter shall be so construed as to prevent either a Presbytery or a Synod from electing, at its own discretion, special commissions for specific administrative or executive purposes, which shall be subject to the limitations and regulations as to powers contained in this chapter, so far as they apply, and also to the Constitution of the Church. Such special commissions shall report whenever the electing judicatories shall require.

CHAPTER XXVII

OF THE INCORPORATION OF THE GENERAL ASSEMBLY, SYNODS, PRESBYTERIES, AND CHURCHES, AND THEIR MEMBERS, OFFICERS, AND MEETINGS, AND OF CHURCH PROPERTY.

I. The General Assembly shall always maintain a corporation so as to enable it to receive, hold and transfer property, and to facilitate the management of its temporal affairs, in such manner as may be directed by the General Assembly from time to time.

II. Each Presbytery and each Synod shall cause a corporation to be formed and maintained under the laws of the state where it is located, so as to enable it to receive, hold and transfer property, and to facilitate the management of its temporal affairs, in such manner as may be directed by the Presbytery or the Synod from time to time.

III. Each particular church shall cause a corporation to be formed and maintained under the laws of the state where it is located, so as to enable it to receive, hold and transfer property and to facilitate the management of its temporal affairs.

1. Church charters should be consistent with the ecclesiastical order and principles of the Presbyterian Church.

Considering that it is necessary to the due and orderly maintenance of the Constitution of the Presbyterian Church in its various provisions, that care be taken, in obtaining legal enactments of a secular kind, that they be so formed as not to come in conflict with any such provisions—and whereas, it is known, that instances have existed, and probably do still exist, in which the charters of churches, and perhaps other legal instruments, are so framed that the laws of the Church and the laws of the land are not reconcilable with each other: Therefore,

Resolved, That the General Assembly earnestly recommend it to all the congregations under their supervision, that in resorting to the legislatures or tribunals of our country, they use the utmost care to ask nothing which, if granted, will in any respect contravene the principles or order of our church; and in any cases in which civil enactments, heretofore obtained, do militate with any of the principles or order of our Church, they endeavor, as soon as possible, to obtain the repeal or modification of such enactments, so as to make them consistent with the ecclesiastical order and principles of the Presbyterian Church.—1838, p. 26, O. S.

[NOTE.—Full information as to charters for church corporations will be found in "Laws Relating to Religious Corporations: Being a Collection of the General Statute of the Several States," etc. By Rev. W. H. Roberts, D.D., LL.D. Pp. lxvi, 591, 8vo. Philadelphia, Presbyterian Board of Publication, 1896. See below, p. 496, 3.]

IV. All communicant members of a particular church of the full age of twenty-one years, in good and regular standing, and all other persons of full age who are regular contributors to the maintenance and support of the church and its benevolences, in accordance with the plan of giving adopted by said church, shall be entitled to vote at all particular church corporation meetings.

V. The duties of trustees of a particular church corporation shall be confined exclusively to the management of the temporal affairs of said particular church corporation.

1. Trustees, recognition by General Synod.

It is not inconsistent with the Presbyterian plan of government, nor the institution of our Lord Jesus Christ, that trustees, or a Committee chosen by the congregation, should have the disposal and application of the public money raised by said congregation, to the uses for which it was designed; provided that they leave in the hands and to the management of the deacons what is collected for the Lord's table and the poor. And that ministers of the Gospel, by virtue of their office, have no right to sit with or preside over such trustees or Committees.—1752, p. 249.

[Note.—See above, Form of Government, Chap. vi.]

2. Appointment of Committee on Church Temporalities.

Overtures received from 32 Presbyteries asking "that some proper inquiry be made into the general prevalent methods of managing the temporal affairs of our churches by means of Boards of Trustees, and that if these methods are found to be defective or injurious that some means shall be taken to amend them." Referred to a Sub-Committee of two ministers and three elders to report to the next General Assembly.—1892, pp. 52, 85, 214.

[Note.—The results secured by the work of the Committee on Church Temporalities appear in (1) The Compilation of Laws referred to below, and (2) Sec. vii, Chap. ix, Form of Government, this *Digest*, p. 126. See above, Note, p. 495.]

3. "Laws Relating to Religious Corporations" compiled and published.

a. The Committee on Church Temporalities reported in 1893 that it was "impressed by the fact that there never had been any satisfactory collation of the various State laws bearing on the matter referred to them. The Committee was, therefore, empowered to have made a satisfactory collation and digest of the laws of the various States connected with the management of church property."—1893, p. 90.

b. The compilation of the laws of all the States and Territories, bearing upon the subject, which the Committee was directed to have prepared, has now been completed by the Rev. W. H. Roberts, D.D., LL.D., and published by the Board of Publication in accordance with the directions of the General Assembly of 1894, under the title, "Laws Relating to Religious Corporations." The Committee takes pleasure in saying that this volume has been prepared with remarkable care and accuracy, and contains an Index, Syllabus of Laws, List of Collections of Statutes, and a most valuable Introduction discussing briefly some of the legal aspects of the subject referred to the Committee, together constituting a standard book of reference for our judicatories and churches.—1896, p. 183.

4. Status of Board of Trustees in local church.

Overture 1422, on defining the status of the trustees in a local church. The Board of Trustees is a legal body, elected by the congregation, and to this body pertain the costody and care of the church property, and to it also is committed the administration of the financial or temporal affairs of the congregation; these temporalities to be so administered as to meet the uses and purposes for which they are held in trust. The Board of Trustees is subject to the superior authority and direction of the Church Session, consonant with the laws of the State; and the Minutes of the Board of Trustees after their approval by that body, are to be incorporated in the Records kept by the Session.—1921, p. 200. See pp. 534, 535.

5. To whom trustees may resign.

As to trustees, they may resign either to the Board of Trustees or to the congregation itself, in accordance with custom or the civil law applying to the corporation in any particular State.—1901, p. 63.

6. May the functions of the Session and Board of Trustees be united in one Board?

The following paper was presented from the floor of the last General Assembly [1929] and referred to the General Council:

"Whereas, the system of having two Boards, namely a Session and a Board of Trustees, often gives rise to dissension and strife; and

Whereas, the uniting of the functions of these two Boards into one Board would tend to unify and make for greater efficiency in the work of the Church; therefore,

Resolved, that this matter be referred to a Committee for study and report to the next General Assembly."

The General Council recommends the following in reply:

First, a union of the functions of the Session and of the Board of Trustees of a particular church could be effected by constitutional amendments. These amendments, however, to attain the desired end must be so radical in character and so far reaching in their effects if adopted, as to render their approval by the constitutional majority of the Presbyteries extremely doubtful; especially as in many minds there would be serious question whether said amendments would secure the peace and effectiveness sought.

Second, any particular church desiring to unite the functions of its Session and its Board of Trustees in one Board may attain this end under our Form of Government by electing the entire membership of the Board of Trustees from the membership of the Session, or by electing a large majority of the membership of the Board of Trustees from the membership of the Session. (Manual of Presbyterian Law for Church Officers and Members, p. 312, item 7.)

Third, in particular churches where the system of having two Boards, namely, a Session and a Board of Trustees, gives rise to dissension and strife, the causes are not far to seek. These causes may be grouped in three classes.

1. Misconception of or disobedience to the law of our Church as contained in our Form of Government.

The authority and duties of the Session are carefully outlined in the Form of Government, Chapter ix, and especially in Sections vi and vii. These Sections make it clear that the Session is the supreme governing body in every particular church. The Trustees are "subject in their official relations to the property, to the control of the Session of the church," (Manual of Presbyterian Law for Church Officers and Members, pp. 315–319.) This superiority has been decided both in our ecclesiastical and civil courts.

The sphere of responsibility of the Trustees is clearly presented in Form of Government, Chapter xxvii, Section v, which reads as follows:

"The duties of Trustees of a particular church corporation shall be confined exclusively to the management of the temporal affairs of said particular church corporation."

It may be said that this section does not detail with sufficient particularity the duties of the Trustees, and that even when read in connection with the laws relating to religious corporations of the given state this section is not sufficiently definitive. If this be so, then the remedy is for the corporation of the particular church in meeting regularly assembled to adopt by-laws in harmony with the Constitution of our Church and the laws of the given state which will define in more detail the duties of the Trustees. Suggestions for such by-laws will be found in the "Manual of Presbyterian Law for Church Officers and Members," pp. 323–327, and the pages just preceding these in this Manual contain authoritative information as to the exact status and powers of Trustees in a particular church. Attention in this connection is directed also to Form of Government, Chapter xxvii, Sections iii-ix.

2. Imperfect business methods.

It should be borne in mind, that no constitutional provisions or corporation by-laws can prevent conflict of authority or personal friction. Consultation and coöperation are commonplaces in the business world. They should be commonplaces in the ecclesiastical sphere.

Frequent joint meetings of the Session and Trustees are most helpful in obtaining and maintaining happy and harmonious relations. Such meetings should be presided over by the pastor of the church and the conclusions reached should always be regarded as advisory and never as mandatory. A joint meeting of the Session and the Board of Trustees of a particular church has no authority to take final action upon any question. The Session must determine matters which fall within its sphere and the Trustees likewise. (Form of Government, Chapter ix, Sections vi–vii; Chapter xxvii, Section v.)

While there are from time to time varied problems which should receive the joint consideration of the Session and Trustees, a proper management of the finances of the particular church is likely to require continuous attention from both bodies, and occasionally joint action. Particularly is this true in connection with the raising annually of the funds needed to meet the benevolence and current expense obligations of the church. Unless wise and well matured coöperation in this connection is forthcoming at the proper time, sooner or later unfortunate difficulties and differences of opinion are likely to arise.

To prevent such a situation, a detailed benevolence budget should be annually prepared and approved by the Session, and communicated to the Trustees for their information. A detailed current expense budget should be annually prepared and approved by the Trustees and submitted to the Session for approval. The Session and Trustees may well hold a joint meeting at which the benevolence budget approved by the Session may be, as just suggested, communicated to the Trustees, and the current expense budget submitted, as just suggested, by the Trustees to the Session for approval. At said joint meeting the Session may find good reasons existing for some modification of the approved benevolence budget and the Trustees reasons for modifications in the current expense budget. Most brotherly coöperation should be maintained in these actions by Session and Trustees.

In addition to this joint meeting of Session and Trustees, an increasing number of churches are finding it wise to hold a congregational and a corporation meeting in the same meeting place, the latter assembling upon the adjournment of the former. At the congregational meeting both budgets are presented for approval and at the corporation meeting, the current expense budget already approved at the congregational meeting, is presented for approval. It should be remembered in this connection, that the legal voters in congregational and corporation meetings of a particular church are identically the same, except in corporation meetings no person under twenty-one years of age is eligible to vote. (Manual of Presbyterian Law for Church Officers and Members, pp. 207–209.) It should be borne in mind, also, that in the election of ruling elders the General Assembly has recommended that communicant members only should vote. (Manual of Presbyterian Law for Church Officers and Members, pp. 276–285; see particularly p. 285, item 13.)

The benevolence funds should always be under the exclusive control of the Session and should never be deposited with current expense funds. The authorized expenditures of the current expense fund should be clearly defined item by item in the budget. In particular it should be made perfectly clear that the sum for music shall be disbursed under the direction of the church session. Furthermore, every current expense budget should contain an item for the necessary expenses of the Session, vouchers to be drawn thereupon by a designated member of the Session.

It is sometimes contended on technical grounds that the spheres of responsibility in the raising of funds by the Session and by the Trustees are quite separate. Experience is proving that in churches where the Session and the Trustees, rising above technicalities, voluntarily accept joint responsibility for the raising of funds, whether for benevolences, current expenses, building enterprises, or other purposes, larger sums for all contemplated purposes are forthcoming. In churches where budgets are prepared, approved and promoted as above outlined, and where a canvass committee is authorized by congregational, and if appropriate, by corporation action also, and heartily supported both by Session and Trustees, it is relatively easy to secure the sums for whatever purpose desired.

Our particular churches should also be reminded that the General Assembly urges the presence in every particular church of two treasurers, one for benevolence funds elected by the Session and ordinarily known as the Sessional treasurer, and one for current expenses, elected by the Trustees or by the corporation, and ordinarily known as the church treasurer. (General Assembly Minutes, 1925, Part I, p. 108.)

3. Personalities. The origin of dissension and strife as between Sessions and Trustees is not infrequently due to the presence in one or both bodies, by reason of our human frailties, of misinformed, or tactless, or domineering individuals. A church should, for the sake of its own peace and prosperity, refrain from electing to or continuing in office persons possessing any of these characteristics. No laws or regulations, ecclesiastical or civil, can take the place of or afford a remedy for the absence of Christian courtesy, consideration and coöperation.

4. Attention is called to Form of Government, Chapter vi, "Of Deacons" which reads in part: "To them also may be properly committed the management of the temporal affairs of the Church." It is to be noted that this section offers an alternative plan by which Trustees may be ordained men, without being ruling elders. It may be that under certain conditions, this solution of the problem of a particular church will prove the wisest one.

The references in the above are made to the "Manual of Presbyterian Law for Church Officers and Members," 1928 edition, because this book is readily accessible to all Sessions and Boards of Trustees.—1930, p. 157.

7. Disposition of Real Estate of Congregations.

Reference III. Overture 2, On the Disposition of Real Property of Congregations, from the Presbytery of Buffalo was referred by the last General Assembly to the General Council for Consideration and report, and was referred to this Committee for study. This Overture reads as follows:

"Overture 2. On the Disposition of Real Property of Congregations, from the Presbytery of Buffalo.

Whereas, it is a general practice in the State of New York for Presbyterian Congregations to sell, mortgage, or lease property without the consent of the Presbyteries, and

Whereas, this dangerous, un-Presbyterian practice has become established because of the lack of clearly defined constitutional requirements of our general ecclesiastical body, and

Whereas, the welfare and prosperity of the Presbyterian Church in the U. S. A. would be greatly furthered by a unified compliance of all congregations with the general policy of the Church, and

Whereas, such a compliance could only become effective when state laws would definitely cover the law of our Church in matters of church property:

Therefore, the Presbytery of Buffalo hereby respectfully overtures the venerable 140th General Assembly of the Presbyterian Church in the U. S. A.

First, to instruct its General Council to study this matter, especially seeking to discover how widespread the general practice of congregations is to sell, mortgage, or lease property without first obtaining the consent of their Presbyteries, and to report to the next General Assembly.

Second, to instruct its General Council to prepare for the Constitution of the Church a clause or article which will concisely and unmistakably outline the requirements of Presbyterian Church polity in re matters of disposal of real property of the individual congregations, and present such a clause or article for the approval of the next General Assembly for submission to the Presbyteries.

Third, to instruct its General Council to prepare tentative amendments for religious corporation acts of the various states where our church laws at the present time are unprotected, and present such proposed amendments for the consideration of the next General Assembly."

The General Council would recommend the following answer:

First, in the judgment of the General Council there is no occasion for a special inquiry "to discover how widespread the general practice of congregations is to sell, mortgage, or lease property without first obtaining the consent of their Presbyteries." That this is a common practice with reference to church property other than such as is used for the purposes of worship is well known. It is equally well known, however, that it is not the common practice in connection with church edifices, excepting mortgaging in association with church building enterprises.

Second, the General Council recommends that the following Overture be sent to the Presbyteries in the customary mode:

"Shall Form of Government, Chapter xxvii, Section iii, be amended to read as follows:

'Each particular church shall cause a corporation to be formed and maintained under the laws of the state where it is located, so as to enable it to receive, hold and transfer property and to facilitate the management of its temporal affairs. The charter or articles of incorporation shall declare that its property is held in trust under the Constitution of and for the Presbyterian Church in the United States of America.'"

In the judgment of the General Council this is as far as it is necessary for us to go under our polity in the matter of the receiving, holding and transferring of the property of a particular church. The interests of the Presbyterian Church in the U. S. A. in such property are now sufficiently safeguarded by the civil law and by our own Constitution, and if and when Form of Government, Chapter xxvii, Section iii, is amended as proposed above, will be doubly safeguarded by having the principles already recognized, definitely stated in the Chapter of our Form of Government which specifically deals with temporalities.

Third, the General Council is asked "to prepare tentative amendments for religious corporation acts of the various states where our church laws at the present time are unprotected." To comply with this request would involve a large and what seems an unnecessary expenditure of time and money. Experience has made it clear that the present statutes of the States of the Union are fully adequate in this connection. The widespread litigation in connection with the Cumberland Reunion in 1906 has made it certain that when properly presented the rights of the Presbyterian Church in the U. S. A. in the property of the particular church are adequately protected in the civil courts of all of our States. It is also to be observed that special laws relating only to a particular religious denomination would not be valid in most of the States. Only legislation which is general enough to be applicable to all religious bodies existing therein is constitutional in the great majority of the Commonwealths. In addition to the litigation in connection with the Cumberland Reunion, a full account of which in summary will be found in the Presbyterian Digest [1922], Volume I, pp. 697–706, we would call attention to the Westminster Church Case in the Presbytery of New York, a summary of which will be found in the Manual of Presbyterian Law for Church Officers and Members [1928], p. 321. (See below, p. 517.)

Fourth, that there have been instances of the violation of the rights of the Presbyterian Church in the U. S. A. in the property of a particular church is, of course, unquestioned. These instances, however, are relatively few in number and have usually been due to the failure of the Presbytery of jurisdiction to keep in constitutional relations with the particular churches within its borders. When such relations are maintained as the Constitution provides, a Presbytery will be aware in good time of any efforts contemplated or in progress on the part of any particular church which would violate the rights of the Presbyterian Church in the U. S. A. in connection with the local church property. The particular church must conform to the laws of the State in which the church is located and to the requirements of the Constitution of our Church. These agree in asserting that when a particular church is organized and it thereafter acquires property, the property so acquired has impressed upon it the use for which it is acquired, and if the property should be sold the proceeds derived from said sale will have to be applied for similar uses. This is the principle which is universally recognized by the civil courts and those courts would upon a proper application make decrees prohibiting the use of property or the proceeds therefrom for purposes other than those for which the particular corporation exists.—1929, p. 151.

8. Trustees and relinquishment of church legacies.

The Case of Andrew Adam, Complainant, vs. The Synod of New York.

The Fifth Avenue Presbyterian Church, of New York City, was the beneficiary of two thirds of the residue of the estate of Maria Louise Adam under her will. Her cousin, Andrew Adam, requested of the pastor and trustees of the Church one half of the property thus given to the Church for certain reasons which were specified. No evidence as to undue influence was given, nor were any steps taken in the Civil Court by the complainant to resist the probate, or contest the validity, of the will.

The complainant had conversation with the pastor, and with the President of the Board of Trustees, from whom, he avers, he understood that he received assurance that he "would be treated fairly." But over against this, testimony was given that no promise had been made to the complainant.

His first complaint was to the Presbytery of New York. The Presbytery consulted able counsel who advised that any concession of the property by the trustees would be a violation of their trust. Upon complaint, the Synod sustained the action of the Presbytery. Whereupon complaint was made to the General Assembly, which after careful consideration rendered the following judgment:

"We are of the opinion that the Fifth Avenue Presbyterian Church is under no legal or moral obligation to admit Mr. Adam to a share in the property; that no claim of equity or of conscience exists in his favor against the Church; that there is no evidence that Mr. Adam was misled by any one representing the Church into his failure or neglect to contest the validity of the will; that this was due to his own want of diligence to assert his claim in the proper forum, the Civil Court, and that the consequences of this course cannot in justice be visited upon the Church."—1928, p. 81.

VI. At least two thirds of the trustees of a particular church corporation shall be communicant members of said church.

VII. Unless otherwise provided for, all particular church corporation meetings shall be called by giving public notice thereof from the pulpit, on the two successive Sundays next preceding such meeting.

1. Notices as to congregational [corporation] meetings.

The *Overture* referred to the Committee was as follows:

Where a church has ceased to maintain regular meetings, and there is no specific requirement named in the State statutes, shall a written notice of a congregational [corporation] meeting, sent through the mails, be deemed a sufficient notice?

Notices as to congregational meetings, *i.e.*, meetings having to do with the election of trustees and the care of the temporalities, are subject as to the character and the time of notice to the statutes of the State wherein the congregation is located. The Presbytery is, therefore, respectfully referred to persons familiar with the statutes of the State of Montana, in this matter of notices for "congregational" [corporation] meetings.—1912, p. 74.

2. Trustees and congregational [corporation] meetings.

Overture from the Presbytery of Chester, asking:

1. Should not all special congregational meetings (*i. e.*, such meetings as are not required by charter for the election of trustees, etc.) be called by order of the Session, or, if by trustees, at least subject to the approval of the Session?

2. Is a church charter which precludes the Session from calling such meetings consistent with our Constitution?

Your Committee would recommend as an answer to this Overture, that the decision of the Supreme Court, quoted in the *Minutes* of the General Assembly, O. S., 1863, p. 43; 1872, pp. 177–190, Appendix, has settled the question that in the use of the property of the church for all religious purposes or ecclesiastical uses, the trustees are under the control of the Session. The General Assembly has also declared that in any case of conflict between the Session and trustees the first appeal is to be taken to the people composing the congregation, and, if necessary, then to the civil tribunals. But your Committee recommend that no answer further is possible to this Overture without inspection of the articles of incorporation of the particular church, and some knowledge of the laws of the State under which such charter is granted.—1892, p. 189.

3. Meetings of the churches for business.

The General Assembly referred to the Executive Commission:

Overture No. 69, from the Presbytery of Washington City, requesting an addition to the Form of Government which shall provide suitable directions concerning the conduct of business meetings of churches.

The supposed necessity for such an amendment, as pointed out by the Overture, arises out of the relation of statutes in some of the States, connected with the transfer of title to church property, the incorporation of churches and the election of trustees of such corporations. This Committee and this Assembly are both without the time and the facilities which would be absolutely necessary to acquire information as to the statutory provisions of the various states to which it is supposed the church Constitution is to be adapted. We therefore recommend that this Overture be referred to the Executive Commission of the General Assembly for such action, if any, as they deem necessary and proper.

The Executive Commission in considering this subject came to the conclusion that an Overture thereon sending down to the Presbyteries an amendment to the Form of Government was unnecessary, and that a deliverance by the General Assembly would fulfill the requirements of the situation. The Commission therefore referred the matter to its Legal Committee, composed of members of the legal profession. The Report of that Committee was duly made and was adopted by the Commission. It is as follows:

Every church has two aspects. It is (*a*) an ecclesiastical organization under the jurisdiction of its own officers and governing bodies; and (*b*) it is also usually a corporation having a charter under the laws of the State where it exists.

There are certain phases of the work and duty of every church which are wholly of an ecclesiastical character, and others wholly secular. A distinction is sometimes made between the "church" and the "congregation," meaning by the latter the membership of the chartered corporation. The secular questions relate to dealings with the corporate property; but since the charter is usually granted in almost all cases for the very purpose of maintaining religious services, or performing ecclesiastical functions, the corporation is little more than a skeleton, and the States rarely prescribe details beyond the necessary steps to organize and maintain it. It is apparent therefore, from the object of such legislation, that there will usually be found in the State legislation no directions as to the mode of handling the chief business for which the corporation exists, *i. e.*, its religious and ecclesiastical functions.

To eliminate first these things purely secular, we make the following suggestions:

1. Where a congregational [corporation] meeting is held for the purpose of *electing trustees*, who are State officers, or for the purpose of dealing with church property by way of sale, mortgage, lease or otherwise, care should be taken to comply with the statutes of the State, if any, prescribing modes of calling, conducting or certifying the results of such meetings.

On this point there is no general rule to be followed. The statutes ordinarily fix the number of trustees, or furnish modes of fixing it; sometimes their term of office; sometimes the names and functions of the officers of the chartered body; and some statutes require, after each election of officers, a due recording, in some specified office, of the persons chosen, and their terms of office. State laws differ and on such occasions we suggest it is desirable to take the advice of a local lawyer.

2. *Other Congregational Meetings.*—Where the statutes do not otherwise prescribe, in most cases there are either deliverances of the General Assembly or a settled mode of practice, long recognized and therefore acceptable to the Church at large, which local churches may follow. The principal features are these:

(*a*) Congregational meetings are usually called by a public announcement from the pulpit a reasonable time in advance; and for the ordinary business affairs of the congregation it is in practice deemed sufficient to read the public call at the church service on one Sabbath day. In many churches it is the practice, and seems generally desirable, to give such notice ten days in advance, and announce them at two Sabbath day services. This does not seem to be vital, however, the main requirement being reasonable notice.

(*b*) For meetings on certain subjects, as the election of a pastor, election of elders, deacons, and other ecclesiastical officers, or for a dissolution of the pastoral relation, and other like cases, meetings of the congregation must be called by resolution of the Session, and should be so announced.

(*c*) Meetings for the election of corporate officers, as trustees, the hearing of business reports, approval of budgets, etc., may, unless otherwise prescribed by statute, be called at the instance of the trustees, but the announcement should be made from the pulpit. On these questions, in the absence of statutes, the congregation itself may prescribe, by-laws or resolutions, the mode of calling such meetings, and they will be valid when called pursuant thereto.

(*d*) Because both corporate and ecclesiastical meetings usually deal with subjects not solely corporate, a proper mode of calling them (in the absence of a statute), is by action of the Session, publicly announced.

(*e*) Congregational meetings to call a pastor, dissolve the pastoral relation, or to elect elders or deacons, can be only lawfully called by the Session, and should for prudence be announced at least ten days in advance, and at two Sabbath day services.

(*f*) At meetings of the class mentioned in "*e*" the pastor of the church will preside. If there be no pastor a moderator is invited by the Session or prescribed by the Presbytery; either will be valid.

(*g*) At other meetings of the church or congregation a chairman may be chosen by those present. He may be a layman, and if a regular supporter of the church need not be a member.

(*h*) It is suggested as prudent, though not required, that the clerk of the Session should act as secretary of congregational meetings, to the end that the records of all meetings of the church as such should be recorded in the same book, and be in the same custody—making the church history continuous.

(*i*) Those who attend a meeting in pursuance of a proper call will constitute a quorum of the congregation, and be entitled to act. A majority of those present will be sufficient to adopt resolutions, or perform other congregational acts, unless otherwise prescribed by statute.

(*j*) Those entitled to vote at the election of elders or deacons are members of the church in good standing, ascertained by the roll kept under the direction of the session.

(*k*) The financial affairs of the church, whether relating to benevolences or the current expenses of the church, may be voted upon by both members and regular supporters of the church, not members. If there be any doubt on this subject it should be settled by reference to the church roll kept by the Session, or the contributors' books kept by the trustees. It cannot be arbitrarily determined by the chairman.

(*l*) A pastor may be chosen by the votes not only of members but supporters of the church; and at elections dissolving the pastoral relation the same classes may vote.

(*m*) Because the class of voters on certain subjects may be different it is prudent to hold elections for elders, deacons and other ecclesiastical officers (except pastor), at separate meetings, limiting the invitation in the announcement to those qualified to vote on the subject.

(*n*) For the election of trustees (if there be no statute), nominations may be made from the floor, or by a committee appointed for the purpose. Because these officers are important, and serious mistakes have often been made for want of previous consideration, it is the custom of some churches for the Session or trustees to consider carefully in advance, and make recommendations or nominations at the congregational meetings. These have no greater effect than if made from the floor, and a different choice may of course be made, but they have the advantage of adequate consideration in advance.

(*o*) If financial budgets for any term thereafter be voted upon, manifestly they should be prepared in advance, tentatively, by the body having charge of such funds—*i. e.*, by the Session for the benevolent funds, and by the trustees for current or maintenance funds.

(*p*) Budgets or recommendations of like character are not prescribed by any rule. They may be used or not, as each church may find convenient.

(*q*) Every congregational meeting should be opened and closed with prayer.—1919, pp. 30–33.

VIII. Voting by proxy shall not be permitted, except in those states where voting by proxy in religious corporations is expressly authorized by statute.

IX. Whenever hereafter a particular church is formally dissolved by the presbytery, or has become extinct by reason of the dispersal of its members, the abandonment of its work, or other cause, such property as it may have, both real and personal, shall be held, used and applied for such uses, purposes and trusts as the presbytery may direct, limit and appoint, in conformity with the Constitution of the Presbyterian Church in the U. S. A.

ADDENDA.

I. THE REUNION LITIGATION, 1906-1918.

1. Statement by John M. Gaut, Esq. (See Journal, p. 22.)

[NOTE.—This Paper, because of its legal importance and value, is inserted here for the assistance of those who are called upon to prepare cases and conduct them through the ecclesiastical and civil courts.]

On the fourth day of February, 1810, Samuel McAdow, Finis Ewing, and Samuel King, ministers in the Presbyterian Church in the United States of America, organized an independent Presbytery called "Cumberland Presbytery." This Presbytery grew into a full-fledged denomination, afterward known as the Cumberland Presbyterian Church. The chief cause of the separation is revealed in the organization compact, signed by these ministers, wherein it was provided that candidates for licensure and ordination "shall be required, before such licensure and ordination, to receive and adopt the Confession and Discipline of the Presbyterian Church, except the idea of fatality, which seems to be taught under the mysterious doctrine of predestination. It is understood, however, that such as can clearly receive the Confession without an exception shall not be required to make any." The revision of the Westminster Confession of Faith, by the Presbyterian Church in the United States of America consummated in 1903, removed, in the opinion of both denominations, the only reason for their continued separate existence.

The General Assembly of the Cumberland Presbyterian Church, at its session in 1903, appointed a Committee on "Fraternity and Union," and authorized it, if "after conference and investigation, union shall seem to be desirable and practicable, to suggest suitable measures for its accomplishment and to report such Basis of Union as may be mutually agreed upon to the next General Assembly." The Presbyterian General Assembly of 1903 appointed a Committee on Church Coöperation and Union, with similar powers. These two Committees agreed upon a joint Report, submitted to their respective General Assemblies, providing for the organic union of the two denominations. This Report was adopted by the respective Assemblies of 1904, and was submitted to the Presbyteries of their respective Churches for approval or disapproval. The vote in the Cumberland Assembly was 162 to 74. The Presbyteries of the two denominations acted upon the Basis of Union and adopted it by decisive majorities. They made their Reports to the Assemblies of 1905. The votes were canvassed and declared, when the Cumberland Assembly adopted the following resolutions:

"*Be it Resolved,* That this General Assembly does hereby find and declare that a Constitutional majority of the Presbyteries of the Cumberland Presbyterian Church have voted approval of the Reunion and Union of said Churches upon the basis set forth in said joint Report, and does find and declare that said Reunion and Union has been Constitutionally agreed to by the Cumberland Presbyterian Church, and that the said Basis of Union has, for the purposes of the Union, been Constitutionally adopted."

The Cumberland Assembly also continued its Committee, for the adjusting of the details of union. The Presbyterian General Assembly of 1905 took similar action. The Committees agreed upon another joint Report to be presented to their respective General Assemblies of 1906.

The Cumberland Presbyterian General Assembly of 1906 met in Decatur, Illinois, on the 17th day of May. On the 16th day of May, 1906, Joseph H. Fussell, and a large number of other Cumberland Presbyterians who were opposed to the Union, filed a bill in equity in the Circuit Court at Decatur, Illinois, in behalf of themselves and all the other members of the Cumberland Presbyterian Church who were opposed to the Union, against Rev. J. B. Hail, D.D., the retiring Moderator of the Assembly, and all the commissioners to that Assembly, together with their alternates, and against all the members of the Cumberland Union Committee. The bill averred that the General Assemblies and Presbyteries of the Cumberland Presbyterian Church had no power to form the contemplated Union, that if the Union Report was submitted to the Assembly by the Committee and adopted by the Assembly such action would be illegal and void, and would cast a cloud upon the title to all the houses of worship, colleges, the Publishing House at Nashville, Tennessee, and other denominational property of the Cumberland Presbyterian Church. The bill, therefore, prayed that a temporary restraining order be granted by the Court, restraining said Committee from presenting its Report to the General Assembly and restraining the General Assembly from acting on the Report and praying for an injunction permanently enjoining such action by the Committee and Assembly. An early day was fixed by the Court for the hearing of the application for a restraining order and the application for the injunction. The Stated Clerk of the General Assembly, Rev. J. M. Hubbert, D.D., acting without any express authority, but under the emergency of the situation, employed John M. Gaut, Esq., of Nashville, Tennessee, to take charge of the defense, with associated local counsel. The counsel for the members of the Assembly and of the committee agreed for these members that they would stand restrained until the Court acted on the application for injunction and would demur to the merits set forth in the bill. The application and demurrer were heard before the Hon. W. C. Johns, upon full argument of counsel. The opinion of Judge Johns in full is to be found at page 52, of the Minutes of the Cumberland Assembly of 1906. In his opinion, delivered on May 23d, he states: "The bill was filed on the 16th of May. The General Assembly of the Cumberland Presbyterian Church met in the city of Decatur, in Macon County, Illinois, on the 17th day of May. Every commissioner, or delegate, to that Assembly is named as a defendant. The purpose and prayer of the bill is to enjoin them, individually and collectively, from taking the final steps to merge, or unite, or consolidate the Cumberland Presbyterian Church with the Presbyterian Church in the United States of America. . . . The interests involved are tremendous. The Cumberland Presbyterian Church owns more than $7,000,000.00 in property. A hundred thousand members and communicants, it is claimed, adhere to the contention of the complainants. Probably a greater number sympathize with those of the defendants who are advocates of the union of the two mighty ecclesiastical associations. The General Assembly of the Presbyterian Church in the United States of America is in session in an adjoining state. The principal motive of a majority of the delegates, or commissioners, of each of these grand ecclesiastical bodies is to declare the union of the two associations. The principal object of the minority in each is to prevent such union. The preparations for this momentous event have been making for three years. They have been conducted with a deliberation, caution, and dignity worthy of, and commensurate with, their vast importance. The magnificent spectacle of these mighty associations awaiting the permission or prohibition of the law teaches a lesson of loyalty to, and profound respect for, our Government, which must be beneficial for all the time it endures. . . .

In conclusion, it is also considered that this application for injunction is without precedent. No court, so far as the decisions at hand reveal, has ever enjoined a committee of an ecclesiastical body from considering as to what action it should take upon any given proposition. The demurrer to the bill is sustained, the motion for a preliminary injunction is overruled, and if complainants conclude to abide by their bill, it will be dismissed, for want of equity, at their cost."

Complainants did elect to abide by their bill, and it was dismissed at their costs, and they appealed to the Appellate Court. After the action of the Court the Cumberland Assembly received and adopted the Report of its Union Committee. The Moderator, Rev. Ira Landrith, D.D., in accordance with the provision of the Union Report, publicly announced that the Basis of Reunion and Union was then in full force and effect and the two denominations united as one Church. The adjourning resolution was adopted and the Moderator declared the General Assembly adjourned "*sine die*" as a separate Assembly, to meet as a part of the one hundred and nineteenth Assembly of the Presbyterian Church in the United States of America, on the 3d Thursday of May, 1907.

A short time after this adjournment, those members of the Cumberland Assembly who were opposed to reunion and who acted as such members, participating in all of its proceedings, answering to its final roll call and voting upon the final adjourning order, assembled themselves together at a different place in Decatur, and assumed that the Assembly had not adjourned and that they, in their assembled capacity, constituted a continuation of the Assembly, and went through the form of revoking and repudiating all action taken in consummation of the Union.

This case of Fussell vs. Hail was the first suit growing out of the Union. It was followed by test suits in the State Courts in twelve other States, and by a number of suits in the United States Courts. A list of these cases, which will hereafter be cited without repeating the books and pages where they are to be found, is as follows:

1. Mack vs. Kime, 129 Ga. 16; 58 S. E. 184; 24 L. R. A. (N. S.) 675 Aug. 9, 1907.
2. Fussell vs. Hail, 134 Ill. App. 620, Feb. 20, 1908; 233 Ill. (Sup. Ct.) 73; 84 N. E. 42.
3. Wallace vs. Hughes, 131 Ky. 445; 115 S. W. 684, Jan. 21, 1909.
4. Brown vs. Clark, 102 Tex. 324; 116 S. W. 364; 24 L. R. A. (N. S.) Mar. 3, 1909 reversing 108 S. W. 421.
5. Landrith vs. Hudgins, 121 Tenn. 556; 120 S. W. 783, April 9, 1909.
6. Boyles vs. Roberts, 222 Mo. 613; 121 S. W. Rep. 805, Oct. 22, 1909.
7. Permanent Com. of Missions vs. Pacific Synod, 157 Cal. 105; 106 Pac. Rep. 395, Dec. 24, 1909.
8. Ramsey vs. Hicks, 44 Ind. Appel. 490; 174 Ind. 428, 91 N. E. 344; 92 N. E. 164, Mar. 31, 1910; 30 L. R. A. (N. S.) 665.
9. Fancy Prairie Cong. vs. King, 245 Ill. 120; 91 N. E. 776; April 21, 1910.
10. First Pres. Church vs. First Cum. Pres. Church, 245 Ill. 74; 91 N. E. 761, 19 Amer. & Eng. Annotated Cases, April 21, 1910.
11. Sanders vs. Baggerly, 96 Ark. 117, 131 S. W. 49, July 11, 1910.
12. Harris vs. Cosby, 173 Ala. 81; 131 S. W. 49; 55 So. 231, Feb. 2, 1911.
13. Pleasant Grove Con. vs. Riley, 248 Ill. 604; 94 N. E. 30; Feb. 25, 1911.
14. Bentle vs. Ulay, 175 Ind. 494; 94 N. E. 759, April 20, 1911.
15. Carothers vs. Mosely, 99 Miss. 671; 55 So. Rep. 881; June 12, 1911.
16. Helm vs. Zarecor (Pub. House Case, Jurisdiction only), 222 U. S. 32; 213 Fed. Rep. 648, Nov. 6, 1911.
17. Sharp vs. Bonham (Grace Church Case, Jurisdiction only), 222 U. S. 241, April 1, 1912.
18. First Pres. Church vs. Cum. Pres. Church, 34 Okla. 503; 126 Pacific Rep. 197: June 25, 1912.

19. Sherard vs. Walton (Memphis Case), U. S. Cir. Ct. 206 Fed. Rep. 562, July 15, 1913.

20. Helm vs. Zarecor (on the merits) U. S. Dis. Ct. Nashville, Tenn., (Sanford, J.) 213 Fed. Rep. 648, July 24, 1913.

21. Sharp vs. Bonham (on the merits) U. S. Dis. Ct. Nashville, Tenn., not reported.

22. Hayes vs. Manning
Missouri Valley College vs. Guthrie
263 Mo. 1; 172 S. W. 897 and 909 (Annotated) Dec. 1, 1914.

23. Barkley *et al.* vs. Hayes *et al.*, U. S. Dist. Ct. 208 Fed. Rep. 319 U. S. Cir. Ct. of App. St. Louis, Mo., April 17, 1915, and also 222 Fed. Rep. 669.

The last above cited case was appealed to the Supreme Court of the United States, which on May 6, 1918, handed down an opinion reported in 247 U. S. 1, affirming the decisions of the District and Circuit Court of Appeals, which opinion was reported by this Committee to the Assembly of 1918. (See *Minutes*, 1918, p. 232.)

The most important principles of law set forth in the opinions in these cases will now be enumerated.

I. The decisions of ecclesiastical courts upon ecclesiastical questions are conclusive upon the civil courts.

This doctrine as stated by the Supreme Court of the United States is as follows: "In this class of cases we think the rule of action which should govern the civil courts, founded in a broad and sound view of the relations of Church and State under our systems of laws, and supported by a preponderating weight of judicial authority is, that, whenever the questions of discipline or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these Church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them in their application to the case before them." This principle of law was declared in the opinions of both the state and federal courts in all of the thirteen states except the Supreme Courts of Tennessee and Oklahoma, Missouri having overruled its previous decision to the contrary. In nearly all of the states in which the principle is adhered to, the courts, while recognizing the principle, examined some of the ecclesiastical questions and expressed their opinion upon them. The reason for so doing is thus expressed by the Supreme Court of California:

"We have preferred to decide the case on a consideration of the provisions of the Constitution of the Cumberland Church, the powers of its judicatories, and the manner of the attempted exercise of those powers, without regard to the decisions of the General Assembly of that Church upon these questions. We have supposed that this would be more satisfactory to the parties concerned. Lest we be understood to hold that the civil courts can disregard and overrule the decisions of the Church authorities acting regularly in ecclesiastical matters, we expressly disavow that doctrine. We approve the principle laid down by the Supreme Court of the United States in Watson vs. Jones, Supra, and by the Supreme Court of this state in Horsman vs. Allen, Supra, relating to this subject." To the same effect are Carothers vs. Moseley, Mack vs. Kime, and Ramsey vs. Hicks. (See p. 706, 3.)

This doctrine of conclusiveness was held by the Supreme Court of Georgia to apply to the question of the jurisdiction of the ecclesiastical court. That tribunal declared that "The highest church court of a religious society is like the highest civil court. It has submitted to it not only matters growing out of controversies, but it has, of necessity, imposed upon it the duty and responsibility of determining what are within the limits of its jurisdiction." Mack vs. Kime, 129 Ga. 1.

Upon the same subject the Supreme Court of Texas said: "To the General Assembly was committed the supreme legislative, judicial and executive power of the Church. . . . The General Assembly of the Cumberland Church had authority to determine, from the provisions of the Constitutions, whether it had the power to enter into the Union with the Presbyterian Church, and having decided that it had such authority and having acted upon that decision the civil courts have no power to review that action. In Watson vs. Jones, 13 Wall. 733, Judge Miller discussed that question and shows conclusively that the determination of an ecclesiastical court as to its jurisdiction over a given question is as conclusive upon the civil courts as its decision of the question when made." Brown vs. Clark.

The Supreme Court of California further declared that if this rule of conclusiveness were followed, "the decision of the General Assembly of the Cumberland Church that the creeds of the two Churches were sufficient in agreement to warrant the purposed Union, is final as to the objection that the creeds are different. The authority would also support the proposition that the decision of that General Assembly, to the effect that the Union of the two Churches was Constitutionally made and had become operative, is final and conclusive upon the civil courts. That decision was made after a protest had been regularly presented to that body, attacking the validity of the Union on the same grounds which we have here considered, due deliberation was had thereon, and the final decision was in all respects regular. The regularity and validity of the Union of that Church with another of the same faith and form of government was essentially a question of ecclesiastical law. In view of its expressly conferred powers, as hereinbefore cited, it would seem that this decision of the General Assembly should put the matter at rest, so far as the church members and its subordinate agencies are concerned, even if we were of the opinion that the decision was erroneous." Permanent Committee, vs. Pacific Synod.

The Supreme Court of Alabama says: "It is insisted that it is incongruous for the same body to decide judicially that its legislative acts are Constitutional. It may be that when the Constitution of the United States was (as claimed) modeled on the form of government of the Presbyterian Church, it was a wise provision which differentiated the two by separating entirely the executive, judicial and legislative branches of the Government, yet the fact remains that, according to the Constitution of this Church, they are not so separated, but, on the contrary, the judicial and legislative departments are united in one body. That being the case, it follows that the supreme judicial body must pass upon the Constitutionality of its own acts in connection with that of the Presbyteries required to concur with it." Harris vs. Cosby.

The court then shows that the Cumberland Assembly did decide that the entire Union proceedings were Constitutional and valid by adopting the resolution heretofore quoted.

In the case of Barkley vs. Hayes, the District Court of the United States (Van Valkenburgh, J.), states that all of the courts except Missouri and Tennessee had decided that the Union had been regularly effected by the sovereign power of the Church and that this conclusion had been reached "largely, though not exclusively, upon the principle that the Cumberland General Assembly, its court of last resort, had jurisdiction to decide this question, and decided it in the affirmative, and that the civil courts are bound by this decision. . . . The right of property involved is dependent upon questions of doctrine, discipline, ecclesiastical law, rule, custom, and Church government, . . . questions within the jurisdiction of the Cumberland General Assembly. . . . I think the question of regularity in effecting this Union, and of substantial identity in the faith of the two Churches, was finally and conclusively determined by the General Assembly of the Cumberland Church."

Replying to the argument of the Supreme Court of Tennessee, the Supreme Court of Arkansas in Sanders vs. Baggerly, said: "It is not a fair statement of the question to say that under this view the civil courts abdicate their functions and act merely as clerks and sheriffs to record and execute the judgments of the ecclesiastical courts. In holding to this view, the civil courts merely declare settled principles of law applicable to other controversies by enforcing the compact of parties who have agreed to abide by the decision of a tribunal created by themselves to settle disputed questions peculiar to the matter which is the subject of the compact. Apt illustrations of the application of these principles are found in cases involving construction contracts, wherein the contracting parties have agreed to submit matters in dispute concerning the quality, quantity, or manner of construction of the work to engineers or supervising architects. In such cases, the courts have invariably upheld such contracts and decisions rendered in accordance with their terms, unless they are subject to impeachment for fraud or gross mistake. Ark-Mo. Zinc. Co. vs. Patterson, 79 Ark. 506. So with Church controversies, where, by the Constitution of the Church, which is the solemn compact between all its members, the matters pertaining to Church doctrine or discipline are to be left to the higher Church courts for decision, the decision of such questions by those courts is binding upon the civil courts when they arise in controversies involving civil rights or rights of property."

"Nor is there any force in the suggestion that this decision should not be held binding because it represents the decision of one faction of the Church. It was the decision of the General Assembly of the Cumberland Presbyterian Church as a whole. At that time there was no division of the Church, though there were factions within the Church, one favoring, and the other opposing, union. But the General Assembly of the Cumberland Presbyterian Church as a separate organization before the union was consummated, or claimed to be consummated, made this decision, and it was a decision binding upon the whole Church as it then existed."

Several of the courts have qualified this doctrine of conclusiveness by stating that where the decision of the ecclesiastical court is "palpably erroneous," or "manifestly in excess of the jurisdiction of the ecclesiastical court" (Carothers vs. Moseley) or "in open and avowed defiance and in express violation of the Constitution (Brundage vs. Deardorff, 55 Fed. 839)," the civil court ought to decline to be bound thereby. See Barkley vs. Hayes.

II. Any two Churches, unless there is some provision in the Constitution of one or both of them to the contrary, have the inherent power to form a union between themselves.

It was so held in all the courts, state and federal, in all of the states, including Tennessee.

In the case of Barkley vs. Hayes, the United States District Court (Van Valkenburgh, J.), upon the question as to whether the Cumberland Church had "power, express, implied, or inherent," to form the Union, said that the question had been answered in the affirmative by all courts which had dealt with the controversy, and that he thought there could be "no doubt of the correctness of this conclusion," and that "to support it it is unnecessary to seek express authority in the Constitution itself. . . . The power to unite with another Church is inherent in sovereignty. It is repugnant to all conceptions of progress and development, with the increased vitality and power for good in larger fields that flow therefrom, to hold that a Church once formed must exist forever as a separate entity, under a separate name, and without practicable verbal change in its declarations of faith."

The expression on this question of the Supreme Court of Tennessee, (Neil, J., delivering the opinion) was extended and able, and has been quoted by a number of the other courts.

III. The sovereign power of the Presbyterian denominations, under the Presbyterian form of government, resided in the General Assembly and the Presbyteries, in their conjoint action.

IV. The Cumberland Presbyterian Church had the power, conferred by its Constitution upon its General Assembly and Presbyteries, to form the Union.

The Supreme Court of Arkansas, in Sanders vs. Baggerly, held that inasmuch as Section 60 of the Cumberland Constitution empowered the General Assembly and Presbyteries to "amend or change" the Confession of Faith and Constitution, it empowered those bodies to change "everything which a Church stands for, everything which justifies the separate existence of a Church—doctrine, form of government and mode of worship. Even a change of name and separate identity fall within the wide scope of this power." The Supreme Court of Texas held that under Section 40, which declares that the General Assembly "represents in one body all the particular churches thereof . . . and constitutes the bond of union, peace, correspondence, and mutual confidence among all its churches and courts," the General Assembly alone had the power to form the Union.

V. The many unions which have taken place under Presbyterian Constitutions, and the numerous attempts of the Cumberland Presbyterian Church, extending from 1810 to 1905, to form such unions, amount to an unquestioned, practical construction of the Presbyterian and Cumberland Presbyterian Constitutions as not forbidden but authorizing such unions, a construction which has attained the force of established law.

VI. The Cumberland Presbyterian General Assembly and Presbyteries had the power to adopt the doctrinal and other ecclesiastical standards of the Presbyterian Church for the Cumberland Presbyterian Church by assenting to the Union contract, and this dual action could be effected in the same proceedings.

VII. Where property is devoted forever, by the instrument which conveys it to the religious society, to the support of any special religious doctrines or form of worship, a specific trust is thereby created which prevents it from being applied to any other doctrines clearly and radically different, but the mere conveyance of the property to a congregation, or in trust for its use and benefit, does not create such specific trust.

VIII. There was substantial agreement between the Confession of Faith of the Cumberland Presbyterian Church and the Confession of Faith of the Presbyterian Church in the United States of America, as revised and construed in 1903.

In Barkley vs. Hayes, the court says: "But it is further insisted that the doctrinal and ecclesiastical standards of the Churches are so far at variance that no valid union was possible. To this, again, as a matter of independent decision, I cannot agree. . . . In 1903 the General Assembly of the Presbyterian Church in the United States of America issued a declaratory statement, together with new chapters, in which, among other things, it said: "The Presbyterian Church in the United States of America does authoritatively declare as follows: First, with reference to Chapter iii of the Confession of Faith: that concerning those who are saved in Christ, the doctrine of God's eternal decree is held in harmony with the doctrines of his love to all mankind; his gift of his Son to be the propitiation for the sins of the whole world, and his readiness to bestow his saving grace on all who seek it. That concerning those who perish, the doctrine of God's eternal decree is held in harmony with the doctrine that God desires not the death of any sinner, but has provided in Christ a salvation sufficient for all, adapted to all, and freely offered in the Gospel to all; that men are fully responsible for their treatment of God's gracious offer; that his decree hinders no man from accepting that offer; and that no man is condemned except on the ground of his sin.

"Second, with reference to Chapter x, Section iii, of the Confession of Faith, that it is not to be regarded as teaching that any who die in infancy are lost. We believe that all dying in infancy are included in the election of grace, and regenerated and saved by Christ, through the Spirit, who works when and where and how he pleases.

"The dispensation of the Gospel is especially committed to him (the Holy Spirit). He prepares the way for it, accompanies it with his persuasive power, and urges its message upon the reason and conscience of men, so that they who reject its merciful offer are not only without excuse, but are guilty of resisting the Holy Spirit."

After contrasting this with the Cumberland Declaration of Faith of 1813, the court says: "In my opinion, those utterances completely met all the points of difference between the two Churches. It is true that the Confession of Faith was not rewritten. It is true that some of the phraseology that had previously been regarded as objectionable was left unchanged. Nevertheless, all such standards are the subject of authoritative interpretation. Perhaps certain sections were left untouched from sentimental considerations; just as certain former Cumberland Presbyterians desire to retain the name 'Cumberland' and their literal form of confession for similar reasons. It is the substance and spirit, and not the mere letter, which governs. . . . If I am wrong in my interpretation, it is but a demonstration of the soundness of the established rule that judges of the civil courts should leave such questions to those more learned in ecclesiastical law and doctrine, and more competent to decide them aright. The General Assembly of the Cumberland Presbyterian Church, in accordance with its Constitutional powers, undertook to discharge this duty, and I concur in its decision."

Speaking of the founders of the Cumberland Presbyterian Church, the Supreme Court of Alabama, through Dowdell, C. J., says:

"They claimed that a proper interpretation of certain articles in said Confession of Faith amounted to fatalism, while the Presbyterian Church, U.S.A., claimed that such was not their meaning. They also claimed that a certain other article indicated that some infants are lost eternally, while the others contended that it meant nothing of the kind, and that it was only an explanation of how infants are saved. Thus it will be seen that one party simply interpreted their standards one way and the other another, and the lay mind, in contemplating the long contention over, and final adjustment of, these abstruse theological questions, is reminded of the fabled battle between the two knights as to whether the shield was brass or copper, who, when they saw both sides, found it brass on one side and copper on the other."

IX. There is no distinction in law between a union and a merger or absorption.

We discover no force in the refined distinctions sought to be made between union, and merger, and absorption. Absorption results in union, and the Cumberland Church had the power to unite with the other Church by adopting the latter's name and doctrinal standards so as to become merged into the other organization. . . . It is unimportant, so far as it affects the validity of the Union, whether the name and doctrinal standards of the Presbyterian Church had been adopted, or whether some other name and other harmonious doctrinal standards had been adopted. The result would have been the same. . . . A union would have been the result in either case. Sanders vs. Baggerly.

X. The whole Basis of Union was submitted to the Cumberland Presbyteries by the Cumberland General Assembly.

In Barkley vs. Hayes, the court quotes from the communication, signed by the Moderator and Stated Clerk of the Cumberland Assembly, submitting to them the plan of union as follows: "To this question Presbytery is to give categorical answer. While the vote is taken simply upon this question, your action thereon will mean the acceptance or rejection of the entire plan, embracing the Basis of Union, Concurrent Declarations, and Recommendations, without amendment or alteration in any part (see Minutes, pages 62a–65a)."

The Court then says: "Reference to pages 62a to 65a of the Minutes of the General Assembly of the Cumberland Church discloses the entire plan of reunion and union. . . . The practice of submitting long and involved propositions in abbreviated form, by categorical questions to be answered by yes or no, is very common. As was well said in Sanders vs. Baggerly: 'Is it conceivable that the ministers and members composing the Presbyteries did not understand, when they voted an answer to the question set forth in the letter of the Moderator and Stated Clerk, that they were approving or disapproving the whole plan of union on the basis of taking the name and adopting the doctrinal and ecclesiastical standards of the Presbyterian Church? We think not.'"

XI. A church Board of a congregation, or a Board of Trustees lose none of their essential qualities as an agent of denominational service when it becomes an artificial person, clothed with power to hold property in a corporate capacity. Helm vs. Zarecor (Sup. Ct. of U. S.).

XII. The Presbyterian form of government is not a government of limited powers, such as the government of the United States of America, but a government of general powers such as those of the states of the Union.

XIII. When property is conveyed to, or in trust for, a congregation under an associated form of Church government, such as the Presbyterian form, the property does not belong to the individuals composing the congregation, nor to the congregation as an independent religious society, nor to the Presbytery, Synod nor General Assembly of such Church, but belongs to the Church as a whole—the denomination—which is composed of the entire membership; and one or more members of the denomination, fairly representative of the whole membership, may sue in his or their own behalf and in behalf of all the other members, to protect or recover the property.

On this subject the court, in Barkley vs. Hayes, says: "The religious congregation or ecclesiastical body holding the property is but a subordinate member of the general Church organization in which there are superior ecclesiastical tribunals with a general and ultimate power of control, more or less complete, in some supreme judicatory over the whole membership of that general organization. The local congregation is itself but a member of a much larger and more important religious organization, is under its government and control, and is bound by its orders and judgments. Therefore, when the property held by the church is that purchased or conveyed for the general use of the religious congregation, not devoted forever, by the instrument which conveyed it, nor by any specific declaration of its owner, to the support of any special religious doctrines, or any peculiar form of worship, it is and remains the property of the general Church which exercises such general and ultimate power of control. It does not belong to the particular congregation which uses it, much less to the individual members of such a congregation. It does not belong to the Presbytery or the Synod, nor, in a strict sense, to the General Assembly. It belongs to the Church, which is composed of its entire membership; that membership being governed and controlled by the organic law of the Church, the administration of which is lodged in certain judicatories rising, in regular succession, to the General Assembly or court of last resort, embracing in itself legislative, administrative and judicial powers. The government of the Presbyterian Church is republican and representative in character. Its administration is vested not in the individual members, not in the congregations, but in the General Assembly, and the Presbyteries; and the Church as a whole, acting through its supreme governing bodies, exercises the ultimate rights of ownership and control over all its properties."

In that suit the sole complainants were James M. Barkley and William H. Roberts, respectively Moderator and Stated Clerk of the General Assembly, and chairman and secretary of the Executive Commission, of the Presbyterian Church in the United States of America. They sued individually and as such officers and representatives of the entire membership of the Church.

Judge Van Valkenburgh, in Barkley vs. Hayes, concludes his opinion as follows:

"The Cumberland Church separated from the mother Church because of specific doctrinal differences. These differences have been removed. The Cumberland Church, from the outset, has cherished hopes of reunion, and has several times in the past century made and entertained Overtures to that end. The title 'Plan of Reunion and Union' significantly describes the attitude and feeling of the two Churches. They had inherent power to reunite; they made a reasonable and *bona fide* attempt to exercise this power, and I believe successfully. We should not demand from Church judicatories the literal exactness and precision in matters of procedure that are expected and required in the civil courts under more technical rules of practice. The united Church is better equipped to spread its doctrines and to advance the cause of civilization and religious education. This Union was conceived and consummated with that worthy object in view. . . . It involves the success or failure of an ambition, century-old, that all those who have embraced substantially the tenets of Presbyterianism should work together with greater power and vitality for universal betterment. The case should receive a broad and liberal construction in harmony with this beneficent purpose." . . .

In Wallace vs. Hughes, Justice Henry S. Barker, speaking for the Court of Appeals of Kentucky, concludes the opinion as follows:

"In conclusion, we deem it not improper to say that owing to the great importance of the question involved in this case, we have given it our most careful and impartial attention. The question, whether or not the various families of the Presbyterian faith must remain ever separated, although the causes which originally divided them have disappeared in the light of modern theological evolutions, is one which must give solicitude to all who have the advancement of civilization at heart. The history of the Presbyterian Church is the history of a very large part of what we know and enjoy of civil and religious liberty. The teachings of her faith are such as have always attracted to her the most lofty minds and the boldest spirits; in following her path through the pages of history, whether her votaries be called Reformed, as in Germany, Huguenots, as in France, Covenanters, as in Scotland, or Puritans, as in England, they will always be found to be among the bravest and the best. As a religious organization, she had no compromise along the lines of conscience to make with power, and could be deflected from the path of rectitude neither by the frown of authority nor the blandishments of corruption. With the same indomitable courage, she confronted the haughty princes of the House of Tudor, and the crowned weaklings of the House of Stuart; with the same words of scornful condemnation she rebuked the sins of Messalina on the throne and the wanton in the street. Her path has led her oftener into exile than into favor with the great; oftener to the dungeon and the stake than to the pleasures of kings' houses, or the friendship of courtiers. But under her searching gaze the shackles have fallen from the human mind, and the divine right of kings has shrunk to the mean thing it now appears. Wherever a battle was to be fought for human liberty, whenever a forlorn hope was to be led, or a mine braved for conscience' sake, whenever the blood of a martyr was needed as a testimony to truth, her answer was always that of the prophet of old, 'Here am I; send me.'

"The judgment is reversed, with directions to dismiss the petition."

The Federal Courts in Tennessee upheld the title of the United Church to the Publishing House property in Nashville, Tennessee, worth at least $200,000.00; the Memphis Church property, worth about $100,000.00, and the Grace Church house of worship in Nashville, and the houses of worship in Columbia and Springfield.—1919, pp. 22, 340.

2. Decision of the Supreme Court.

The decision of the Supreme Court of the United States, referred to above is as follows:

SUPREME COURT OF THE UNITED STATES.
No. 257.—October Term, 1917.

J. F. Shepard, N. Logan, W. H. Billings, *et al.*, Appellants, *vs.* James M. Barkley, Moderator of the General Assembly, *et al.*	Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. (May 6, 1918)

Memorandum opinion by Mr. Chief Justice White, by direction of the Court.

The court is of the opinion that the following propositions are well founded, although some members of the court differ concerning them: (a) That the Appeal in this case brings up for review both the causes which were decided by the court below at the same time and both therefore will be controlled by the decree here to be rendered. (b) That the order allowing no amendment as to the form of the Appeal and the parties which was previously made without prejudice to the right of the appellees to object to the same at the hearing on the merits was rightfully granted and the objection which was at the hearing on the merits made by the appellees is without merit. (c) That under the case as made by the pleadings there is authority to review.

The approach to the merits being thus cleared, without any difference on the subject the court is of opinion that the doctrines by which the case is controlled have been so affirmatively and conclusively settled by a prior decision of this court as to cause it to be unnecessary as a matter of original consideration to restate them. Watson vs. Jones, 13 Wallace, 679. And the want of any possible reason for removing this case from the control of the doctrines of the Watson case is, if needs be, conclusively shown by the many cases referred to by the court below in its opinion (222 Fed. Rep. 669) in which the Watson case was made controlling and decisive as to controversies not in substance differing from the one here presented. Sherard vs. Walton, 206 Fed. Rep. 562; Helm vs. Zarecor, 213 Fed. Rep. 648; Sharp vs. Bonham, 213, Fed. Rep. 648; Harris vs. Cosby, 173 Alabama 81; Sanders vs. Baggerly, 96 Arkansas 117; Permanent Commission of Missions vs. Pacific Synod, 157 California 105; Mack vs. Kime, 129 Georgia 1; First Presbyterian Church of Lincoln vs. First Cumberland Presbyterian Church of Lincoln, 245 Illinois 74; Fussell vs. Hail, 233 Illinois 73; Fancy Prairie Church vs. King, 245 Illinois 120; Pleasant Grove Congregation vs. Riley, 248 Illinois 604; Ramsey vs. Hicks, 174 Indiana 428; Bentley vs. Ulay, 175 Indiana 494; Wallace vs. Hughes, 131 Kentucky 445; Carothers vs. Moseley, 99 Mississippi 671; Hayes vs. Manning, 263 Missouri 1; Missouri Valley College vs. Guthrie, 263 Missouri 52; First Presbyterian Church vs. Cumberland Presbyterian Church, 34 Oklahoma 503; Brown vs. Clark, 102 Texas 323.

Affirmed.

A true copy,
(Seal) Text:
James D. Maher,
Clerk Supreme Court, U. S.
—1919, pp. 340–349.

3. Memorandum from John H. De Witt, Esq.

In the case of Rudolph vs. Foust, *246 S. W. Reporter*, decided in January, 1923, the Supreme Court of Tennessee repudiated the binding effect of its previous decision in Landrith vs. Hudgins, and Bonham vs. Harris, as affecting future questions of denominational union. On account of the rule of *stare decisis*, and in order to avoid confusion as to titles to properties that belonged to the Cumberland Presbyterian Church, the Court did not overrule the former cases, but expressly left itself free to apply to questions arising under any other unio of religious denominations the principle that the decisions of the highest judicatories of religious denominations on questions of doctrine or polity will be accepted as final and binding upon the civil courts where the title to church propert depends upon the decision of these questions.

II. COURT DECISIONS RELATING TO CHURCH PROPERTY.

1. Walnut Street Church Case.

[Note.—For Walnut Street, Louisville, Ky., Church case, see this *Digest*, pp. 129 503, 353, for decision in part, and *Digest*, 1930, Vol II, pp. 359–376, for decision in full.

2. Westminster Church Case.

The Westminster Church, in the Presbytery of New York, was dissolved b said Presbytery in 1908, and the question thereupon arose as to the dispositio of the valuable property. After prolonged litigation in both the ecclesiastica and civil courts, the principles contended for by the Presbytery of New Yor were in 1924 finally sustained throughout by the New York Court of Appeals and are as follows:

"1. Presbytery has power to dissolve a Presbyterian Church, the spiritua body of which thereupon ceases to exist.

"2. The members of the dissolved church thereby lose all their interest in th property standing in the name of the corporation.

"3. The corporation of the dissolved church merely holds a naked legal titl to the property in trust for the denomination, and can be compelled to transfe the property either to the Presbytery, or to a successor church organized by th Presbytery.

"4. The successor church organized by Presbytery is entitled to the use an benefit of the church property formerly belonging to the dissolved church, an to have the legal title conveyed to it."

Thus is established in law the right of the Presbytery to sole authority over th property of a dissolved church. (See opinions, Court of Appeals, New York in 211 N. Y., 214, N. Y. 305, 222 N. Y. 642; also opinion of referee filed with count clerk, June 26, 1922, and order confirming same filed ditto October 26, 1922 also order of Supreme Court dismissing appeal of Westminster Church in 20 A.D. 862.) (See this *Digest*, p. 216.)

3. State of Virginia Church Case.

"When property, real or personal, is vested in a religious society, whethe incorporated or not, as a church or congregation for the worship of Almight God and the promotion of piety and godly living, it is a charitable use, whethe the donors may be one or many. The corporation or society are trustees, and ca no more divert the property from the use to which it was originally dedicate than any other trustee. If they should undertake to divert the funds, equity wil raise some other trustee to administer them, and apply them according to th intention of the original donors or subscribers." In a case which arose in th state of Virginia, the majority of a Methodist Protestant church withdrew fro that denomination and joined the Methodist Episcopal Church. Said majorit claimed the right to take the property with them, and the legislature of Virgini passed an act providing that in the case of the division of a church or religiou society a majority of the members should determine the rights of church property after report duly made to a civil court. The decision rendered in the case was that the provision respecting contracts in the Constitution of the United States and found also in the Constitution of Virginia, made the said act of the legislatur void, and that the property could not be so diverted.

PART IV.

The Book of Discipline.

Adopted 1884. Amended 1885—1929

[NOTE.—The present Book of Discipline was prepared by a Committee consisting of: *Ministers*—Elijah R. Craven, D.D., Edwin F. Hatfield, D.D., Alexander T. McGill, D.D., LL.D., William E. Moore, D.D., Nathaniel West, D.D., Robert W Patterson, D.D., Francis L. Patton, D.D., LL.D.; *Elders*—Hon. William Strong, LL.D., Hon. Joseph Allison, LL.D., Hon. Samuel M. Breckinridge, LL.D., Hon. Samuel M. Moore, LL.D., and Hon. John T. Nixon, LL.D. The revised book was submitted to the Assembly of 1883, sent down in that year to the Presbyteries, whose vote was 131 in the affirmative and 36 in the negative, and was declared adopted by the Assembly of 1884. See for the history of the undertaking, Moore's *Digest*, 1886, pp. 575–582.

See, for Amendments to the Book of Discipline, latest edition.]

THE BOOK OF DISCIPLINE.

CHAPTER I.

OF DISCIPLINE: ITS NATURE, ENDS, AND SUBJECTS.

1. Discipline is the exercise of that authority, and the application of that system of laws, which the Lord Jesus Christ has appointed in his Church: embracing the care and control, maintained by the Church, over its members, officers, and judicatories.

2. The ends of Discipline are the maintenance of the truth, the vindication of the authority and honor of Christ, the removal of offences, the promotion of the purity and edification of the Church, and the spiritual good of offenders. Its exercise, in such a manner as to secure its appropriate ends, requires much prudence and discretion. Judicatories, therefore, should take into consideration all the circumstances which may give a different character to conduct, and render it more or less offensive; and which may require different action, in similar cases, at different times, for the attainment of the same ends.

1. Prompt discipline best fitted to secure a happy issue.

It is further the opinion of the Assembly that had the improper conduct of the appellant been made a subject of discipline at an earlier period, a more happy issue might have been reached. The Assembly formally and affectionately urges on the appellant a submission to the sentence of his brethren and a speedy return to the path of duty and privilege.—1859, p. 547, O. S.

2. The censure must be proportionate to the offense. Sentence reversed where the censure was too severe.

a. The Assembly proceeded to consider the *Appeal* of Mr. Jabez Spicer from the decision of the Synod of Geneva, by which Mr. Spicer had been deposed from the Gospel ministry. The documents on the subject were read, and the parties were heard. It was

Resolved, That the Appeal of Mr. Spicer be sustained, on the ground that the sentence pronounced upon him was disproportioned to his crime, it not appearing substantiated that he was guilty of more than a single act of prevarication; while, therefore, the Assembly express their entire disapprobation of the conduct of Mr. Spicer, as unbecoming a Christian and Christian minister, they reverse the sentence of deposition passed upon him by the Presbytery, and direct that after suitable admonitions and acknowledgments he be restored to the ministerial office.—1821, p. 24.

b. The discussion of the motion to reverse a decision of the Presbytery of Lexington, by which decision Mr. George Bourne was deposed from the Gospel ministry, was resumed. This motion was determined in the affirmative, and is as follows, viz.:

The Assembly judge that the charges in the case of Mr. Bourne were not fully substantiated, and that, if they had been, the sentence was too severe. Therefore,

Resolved, That the sentence of the Presbytery of Lexington, deposing Mr. Bourne, be reversed, and it is hereby reversed, and that the Presbytery commence the trial anew.—1817, p. 646.

c. The Assembly sustain the *Appeal* of David Price from the decision of the Synod of Geneva, on the ground that the charge of intoxication was not sufficiently supported by the testimony; although it does appear, principally from his own confession, that he had made an unbecoming use of ardent spirits, and that an admonition was, in the view of the Assembly, deserved, and would have been sufficient.—1825, p. 155.

d. There seems to have been, in the proceedings of the Session, too much precipitation and absoluteness, and too little of that calm and practical vindication of their own dignity, which mildness and forbearance, in the spirit of our Master, are largely necessary to inspire; and this especially in reference to the sentence they pronounced.

The Assembly therefore decide in the premises, that the sentence of the Session, suspending the appellant be, and it hereby is reversed, as also the decision of the Presbytery confirming that of the Session.—1839, reprint, p. 64, N. S.

e. *Resolved*, That the decision of the Synod of Cincinnati, reversing the action of the Presbytery and Session, upon the second charge, be sustained in part, on the ground that the suspension of the parties accused was too severe in the case, and that the Session be recommended to revoke the suspension and admonish the parties.—1865, p. 550, O. S.

[NOTE.—See for Complaint of Session of the Seventh Presbyterian Church, Cincinnati, *Minutes*, 1865, p. 538, O. S.]

3. The decisions of the civil courts not conclusive in the judicatories of the Church. Every member of the Presbyterian Church entitled to a fair trial according to the methods of his church, before condemnation.

Overture from the Presbytery of Washington City, asking the Assembly to enact that:

Any minister or member of the Church, convicted in the civil courts of an offense, recognized as such by the Standards of our Church, may, without further process, be suspended from all the privileges and offices of the Church until the judicatories of the Church having jurisdiction in the case shall, after due investigation, be satisfied of his innocence or repentance.

The Committee recommend that, while admitting that some possible cases may occur, in which nothing else can be done, but that which is here asked, the Overture be answered in the negative, because:

1. The subject matter of the Overture involves a Constitutional change, which must needs be overtured to the Presbyteries, which it is not now desirable to do.

2. The processes of civil courts differ so much from those of our Church judicatories, and their decisions are not so infallible, that our Church judicatories can adopt them without investigation.

3. It is the sacred right of every member of the Presbyterian Church, to have a full and fair trial, according to the laws and methods of his Church, before condemnation.—1885, pp. 602, 603.

4. Great tenderness enjoined.

Whereas, It has appeared on the trial of *Judicial Cases 1* and *2* that full testimony was given, as well in this court as in the trial in the courts below, to the exemplary Christian character of the appellants in these cases respectively; and,

Whereas, The offense which has subjected said appellants to the discipline of the Church has arisen from a conscience misled by erroneous views of their duty; therefore,

Resolved, That it be recommended to the Session of the church of Caledonia to deal with these brethren with the utmost tenderness and Christian affection, that they may be led to see their errors and return to their duty, and that they may be restored to the fellowship of the Church, from which they have been too long separated.—1859, p. 548, O. S.

3. An offence is anything, in the doctrine, principles, or practice of a church member, officers, or judicatory, which is contrary to the Word of God; or which, if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification.

[NOTE.—See Larger Catechism, Questions 104–151, the answers to which are a part of the Constitutional enumeration of offenses. For decisions and deliverances on doctrine, see Confession of Faith, Chaps. i, ii, iii, iv, vi, x, p. 5, seq. and Book of Discipline, Chap. i, Sec. 4, p. 552.]

I. DOCTRINE.

[NOTE.—See this *Digest*, p. 69.]

II. MORALS.

1. Breach of Sabbath observance.

While, therefore, we earnestly entreat our fellow citizens of every class to "remember the Sabbath day to keep it holy," the Assembly do hereby in a special manner enjoin it upon the Church Sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath, and to exercise wholesome discipline on those who by traveling or other ways presume to trample upon this sacred institution; and we further enjoin it upon the Presbyteries annually to institute inquiries of the eldership as to the manner in which this injunction has been attended to in their respective churches.—1853, p. 323, N. S.

[NOTE.—See deliverances upon the Sabbath at large, under this *Digest*, Directory for Worship, Chap. i, p. 773. Also, under Confession of Faith, Chap. xxi, p. 29.]

2. Theatrical exhibitions, and dancing condemned.

a. On the fashionable, though, as we believe, dangerous amusements of theatrical exhibitions and dancing we deem it necessary to make a few observations. The theater we have always considered as a school of immorality. If any person wishes for honest conviction on this subject, let him attend to the character of that mass of matter which is generally exhibited on the stage. We believe all will agree that comedies at least, with a few exceptions, are of such a description that a virtuous and modest person cannot attend the representation of them without the most painful and embarrassing sensations. If, indeed, custom has familiarized the scene, and these painful sensations are no longer felt, it only proves that the person in question has lost some of the best sensibilities of our nature, that the strongest safeguard of virtue has been taken down, and that the moral character has undergone a serious depreciation. —1818, p. 690.

b. With respect to dancing, we think it necessary to observe that, however plausible it may appear to some, it is perhaps not the less dangerous on account of that plausibility. It is not from those things which the world acknowledges to be most wrong that the greatest danger is to be apprehended to religion, especially as it relates to the young. When the practice is carried to its highest extremes, all admit the consequences to be fatal; and why not, then, apprehend danger even from its incipient stages? It is certainly in all its stages a fascinating and an infatuating practice. Let it once be introduced, and it is difficult to give it limits. It steals away our precious time, dissipates religious impressions and hardens the heart. To guard you, beloved brethren, against its wiles and its fascinations, we earnestly recommend that you will consult that sobriety which the sacred pages require. We also trust that you will attend with the meekness and docility becoming the Christian character, to the admonitions on this subject of those whom you have chosen to watch for your souls. And now, beloved brethren, that you may be guarded from the dangers we have pointed out, and from all other dangers which beset the path of life and obstruct our common salvation, and that the great Head of the Church may have you in his holy keeping, is our sincere and affectionate prayer.—Amen.—1818, p. 690.

c. *Promiscuous dancing calls for faithful and judicious discipline.*

Resolved, That the fashionable amusement of promiscuous dancing is so entirely unscriptural and eminently and exclusively that of "the world which lieth in wickedness," and so wholly inconsistent with the spirit of Christ, and with that propriety of Christian deportment and that purity of heart which his followers are bound to maintain, as to render it not only improper and injurious for professing Christians either to partake in it, or qualify their children for it by teaching them the art; but also to call for the faithful and judicious exercise of discipline on the part of Church Sessions when any of the members of their churches have been guilty.—

1843, p. 14, N. S.; reaffirmed, 1853, p. 340, N. S.: also 1867, p. 513, N. S.; 1876, p. 27.

d. *Social dances and private theatricals.*

An *Overture* from the Presbytery of Cincinnati, proposing the following questions, viz.:

1. Are social dances and private theatricals included under the head of "dancing and stage plays," mentioned in the Larger Catechism, amongst "the sins forbidden in the seventh commandment?"

2. Is it the duty of the Church Sessions to exercise discipline upon those members of the Church who send their children to dancing schools, or who give and attend dancing parties? and if so, ought such discipline to be carried to the extent of exclusion from the Sacraments, where other means fail of producing reformation?

The Committee recommended the following reply, which was adopted:

To the first question:

That whilst the pleasures of the ballroom and the theater are primarily intended by the "dancing and stage plays" forbidden in the answer to the 139th question in the Larger Catechism, the spirit of the prohibition extends to all kindred amusements which are calculated to awaken thoughts and feelings inconsistent with the seventh commandment, as explained by the Saviour in Matt. 5: 27, 28.—1860, p. 21, O. S. Confirmed—1891, p. 155.

[Note.—The Larger Catechism, answer to Question 139, in part reads, "lascivious songs, books, pictures, dancings, stage-plays."]

e. *Promiscuous social dancing, and dancing schools.*

To the second question:

1. That whilst we regard the practice of promiscuous social dancing by members of the Church as a mournful inconsistency, and the giving of parties for such dancing on the part of the heads of Christian families as tending to compromise their religious profession, and the sending of children by Christian parents to the dancing school as a sad error in family discipline; yet we think that the Session of each church is fully competent to decide when discipline is necessary, and the extent to which it should be administered.—1860, p. 21, O. S.; 1891, p. 155.

2. *Overture* on a Presbytery's approving the Minutes of a Session prohibiting dancing, from the Presbytery of Portsmouth. The Committee recommend the following answer: The Presbytery of Portsmouth is referred to the action of the General Assembly (Moore's *Digest*, 1886, p. 587) on the subject of dancing, which action, while disapproving of the practice of promiscuous dancing, yet leaves the whole subject of dancing to the Sessions of our churches. While the power of disciplining for dancing is thus clearly in the hands of the Session, yet it was not the intention of the Assembly to authorize the Sessions of our churches to enact laws, which may be construed as creating new and unscriptural conditions of church membership, and we would recommend the Presbytery so to advise the Session of the church referred to in the Overture.—1895, p. 106. (See 1 above.)

f. *Deliverances* c, d, *and* e *confirmed.*

Overtures from the Presbyteries of Clarion, Dayton, Erie, Redstone and Chenango, asking for some further deliverance on the subject of promiscuous dancing, in order that a felt and growing evil may be checked among the membership of our churches. In reply to *Overtures 5* to *9* inclusive, on the subject of promiscuous dancing, the Committee recommend the following:

The Overtures of previous Assemblies of both branches of the Church, on the subject of promiscuous dancing, are agreed in deploring the practice as a mournful inconsistency, and as regarding the giving of parties for such dancing by the heads of Christian families, as involving a compromise of their religious profession. These deliverances are also agreed, in declaring that the Session of each church is fully competent to decide upon what discipline is necessary, and to what extent it should be administered.

This General Assembly, therefore, reaffirms these deliverances of the Assemblies of both branches of the Church (see, especially, N. S., 1843, p. 14, and O. S., 1860, p. 21, as recorded in *Digest*, 1873, pp. 476, 477); and, further, counsels church Sessions to arrest this evil, so far as practicable, by wisely guiding the enthusiasm and activity of the younger members of their churches, by both precept and example, into the many forms of useful service now providentially presented to all who delight to serve and honor Christ.—1876, p. 27.

g. *Theaters, and card-playing.*

In regard to so much of the above Overture as refers to "theaters and theater-going," this Assembly reaffirms the action of the General Assembly of 1818 (see *Minutes*, p. 690, and *New Digest*, Moore, 1861, pp. 262, 263). In this action the Assembly declared the theater to be "a school of immorality." This Assembly, seeing no occasion to modify the utterance then given, earnestly exhorts all the members of the Church in their practice to avoid, and by their influence to discountenance, all such "dangerous" amusements, as being inconsistent with the spirit of the Gospel, and detrimental to the best interests of piety in the heart.

In respect to "the custom of fashionable card-playing," referred to by the Memorialists, and represented as being "countenanced in many of our Christian households," and also "participated in by members of our churches," this Assembly would affectionately exhort all the members of the Presbyterian Church to practice the most careful watchfulness in avoiding all recreations and amusements, whether in the form specified in the Memorial or otherwise, which are calculated to impair spirituality, lessen Christian influence or bring discredit upon their profession as members of the Church of Christ.—1865, p. 45, N. S.

3. Popular amusements in general.

A Paper reported by the Committee on Bills and Overtures on the subject of the opera, the theater, the dance and card-playing, was referred to a Committee, consisting of the Rev. Herrick Johnson, D.D., Rev. William E. Moore and Mr. Alexander Whilldin, to report at the adjourned meeting.

The Special Committee to whom was referred a Paper on the subject of amusements presented their Report, which was adopted, and is as follows:

The question of popular amusements is one that cannot be settled by statute. It has to do with the spirit and the life of Christianity rather than with the letter of its law. Hence the impossibility of specific enactment. But the very fact of its near and vital connection with spiritual life justifies and demands for it a thoughtful consideration.

What Scriptural guidance have we in the matter? What posture ought the Church to assume toward so-called popular amusements? A sweeping condemnation of them would be a sweeping folly. To say of them all that they are inherently and positively sinful is simply to say what is not true. And to protest against suitable recreation would be to protest against a mental and moral necessity. A long-visaged and somber-hued piety is not after the order of the Gospel. That makes recognition of the laugh, the joy of life; has no frown for the play side of our nature, bids us serve the Lord with gladness. Nowhere so much as in the heart of God's people should joy have her home and go rippling out in the channels of deed and speech.

But what is suitable Christian recreation? We are without a specific "Thus saith the Lord" for each specific form of pleasure. But this is by no means to acknowledge that we are without Scriptural guidance. The spirit is broader and deeper than the letter. There are general principles whose profound and subtle reach makes it impossible that they should be framed by a law. Those that bear on this question of popular amusements are three:

I. The first general principle has respect to the relation which Christians sustain to each other. It is discussed in Rom., ch. 14 and in I Cor., ch. 8. Christian liberty in things indifferent is there distinctly recognized, but it is bounded and limited by a higher law. We must not abuse our liberty to the offense of our brethren. We must bridle our knowledge with charity. We are bidden to beware how we tamper with the sanctities of a brother's conscience, and to beware how we trifle with the necessities of a brother's weakness. The law of conscience and the law of love are far more sacred and more precious and more to be regarded than the law of liberty. To the child of God they ought to be always paramount. To assert independence at the expense of wounding a brother's conscience is "to sin against Christ." "It is good neither to eat flesh, nor to drink wine, nor anything whereby thy brother stumbleth." Of course, a merely personal, puerile, wretched scrupulosity is not to be foisted upon the Church for its government. But amusements whose tendencies are inherently and almost inevitably to excess, where the weak and the unstable may stumble and perish, and against which there is a general Christian conscience, are decisively condemned by this plain Word of God.

II. The second general principle has respect to the relation which Christians sustain to the world. It is negative and summed up in this: "Be not conformed to this world." It is a relation of non-conformity. Christians are to be unlike the world, and distinguishable from it. This idea of separateness runs through all the warp and woof of Scripture. And it clearly does not imply a separation from the grossly evil of the world. This is specifically and positively commanded. Christians are pledged and sworn to obedience by their very profession. The separation involved in non-conformity is from worldliness—from the worldly spirit. It is a demand that the whole tone, and bent, and current, and spirit of the Christian life shall be different from that of the worldly life—so different that it shall be manifest to the world that the people of God are pilgrims and strangers on the earth; that they are walking with God; that they are a peculiar people, called out of the world while still remaining in it; God's witnesses; living epistles; the salt of the earth; distinctive, chosen, set apart, recognizable everywhere as having been with Jesus, and as holy in all manner of conversation. Let Christians apply to their lives this one central, prominent, Gospel idea of non-conformity, let them press it on all their conduct until they give unmistakable exhibition of the spirit of these unmistakable words of Christ and the apostles, and it will go very far to settle this whole question of rational or irrational amusements.

III. The third general principle has respect to the relation which Christians sustain to Christ. It is positive, and summed up in this: "Whatsoever ye do, in word or deed, do all in the name of the Lord Jesus." Broad, comprehensive, universal in its applicability, yet most specific, after all, in its fundamental conditions—"Whatsoever ye do." In another place, applied to the everyday necessity and act of our life—eating and drinking; applicable, therefore, to our recreations. It is Scriptural condemnation of every form of social diversion in which a Christian cannot indulge "in the name of the Lord Jesus." It is divine indorsement of whatever is done by a child of God, into which he may go, and out of which he may come, and through the progress of which he may continue, without there being one moment when it would be in any way inconsistent for him to ask his Lord's approval of him there, and of what he is doing, and witnessing and countenancing and supporting.

Let this principle be honestly and conscientiously applied. It will settle many a doubt. It will condemn many a popular amusement. It bars out every indulgence that cannot be had in consistent and loving remembrance of our Lord. Amusements that undermine the health and waste vitality; amusements by which the weak and lame are so often turned out of the way only to stumble and perish; amusements that make it appear as if God's children were as eager after and intent upon the gayeties and festivities of the world as the children of the world themselves; amusements making it essential for Christians to take positions that ought to bring, if they do not bring, the blood to their faces; amusements that compel Christians to witness scenes, and to hear quips and jests, soiling their spirits with suggested uncleanness—these all, and all like these, are branded with condemnation by this divine precept. No true disciple of Christ can give himself to such amusements "in the name of the Lord Jesus."

We close as we began. This whole question must be taken out of the domain of abstract casuistry. It is not so much a question of absolute right and wrong as of conscience and charity. The spirit of our life is far more important than the letter of our law. The rule of love is higher than the law of liberty. Christianity antagonizes worldliness, it does not conform to it. The Church should deal with it not so much by the ax of discipline as by the sword of the Spirit. Yet, without a doubt, the very law of love may sometimes require a kind, considerate, thoughtful exercise of the disciplinary power of the Church. But our chief appeal must be to the conscience. Our main reliance must be on the spirit and the life demanded by a whole-hearted surrender and commitment to the Lord Jesus. Those who are constrained by the love of Christ can scarcely allow themselves indulgence in any business or recreation, any work or play, into which and through which and out of which they cannot consistently go, with ever-present and affectionate remembrance of him "who gave himself for us, that he might redeem us from all iniquity, and purify unto himself a peculiar people, zealous of good work."—1869, pp. 487–489, N. S. Confirmed, 1891, p. 155.

4. Card-playing and games of chance. The dance and the theater. Progessive euchre.

a. The Special Committee on Certain Forms of Worldly Amusements, presented its Report, which had been recommitted to it.

The Report was received, amended, adopted, and is as follows:

The Committee appear before you under the following action reported from the Committee on Bills and Overtures, and adopted by the Assembly:

"To report a Paper for adoption by this Assembly, which shall reaffirm the deliverances of former Assemblies, adding what is needed for our times, and call upon the Church, by means of thoughtful and godly living in its members, and through its pulpits and church Sessions, to do all that can be Scripturally done to free the Church from the evils flowing from these practices."

If this world is to be conquered for Christ, his servants must perceive and dislodge the enemy wherever found. They should not see evil where there is no evil, nor should they call that good which is really evil, judged in itself, or by its fruits. Fortunately for the Church, the Master has said, "By their fruits ye shall know them." Wo do not therefore concern ourselves, for example, with dancing or theater-going in themselves considered; or with the impersonation of character, or the mimic representation of any proper subject without evil accessories, but we are concerned with the dance, or the theater, or card-playing as institutions, world-wide, very ancient, and, with human nature what it is, too often injuriously fascinating. It is with their actual obstruction to the Gospel, as intelligently perceived, that we have to deal.

In reference to card-playing and all games of chance, the Committee respectfully raise the question, or perhaps it is not a question, whether they are not in themselves sinful? and, as tending to the decision of that question, we submit the following reasoning, viz.:

As a matter of fact or reality, there is no such thing as chance. In the place of what men call chance is the living God, omnipresent and omniscient. An appeal to God without serious cause is profane. Nor is this reasoning impaired by the suggestion sometimes made, that those who play at games of chance do not intend to be profane. Thus, an habitual swearer is not conscious of an intention to be profane, yet who shall say he is not, while oaths continue to drop from his lips? Ignorance and thoughtlessness are the negative causes of his unconscious guilt. Are they not also in the other case?

The standard by which right and wrong are determined is the moral law of God. Whether a responsible creature's act is right or not is to be determined by his real relations to God in the act. His relation to God exists. He refers to the nonentity chance for decision, a matter which God only can and does determine. Hence his appeal proves to be an appeal to God, and an appeal to God without proper cause is profane. If this view carries with it serious consequences, we, on that account, all the more beg of the Assembly, and would of the whole Church, the most thoughtful and prayerful consideration of it; for, if true, it behooves all to acknowledge it and be guided by it.

The Scriptures show that the lot involving the principle of chance is an ordinance of God. "The lot is cast into the lap; but the whole disposing thereof is of the Lord" (Prov. 16:33). Likewise our Standards show the same; and teach that the lot improperly used is sinful. See the answer to the 113th question of the Larger Catechism, where it is declared that among the sins forbidden in the third commandment are "all sinful cursing, oaths, vows, and lots."

In reference to card-playing under the popular style of "progressive euchre," your Committee would fain hope the practice is diminishing in the centers of social influence—the larger cities. But whether this is so or not, it still exists to such extent as, if it be wrong, to do great harm. If the principle for which we have contended be true, that games of chance are necessarily sinful, that ought to settle the question for all who love God and seek to obey him. Besides this, much as we could desire to say nothing which would unnecessarily shock or wound the feelings of any, your Committee fail to see how this practice does not combine in itself the essential elements of gambling. Our civil statutes and courts of law, for substance, define gambling to consist in playing at any game of chance for money, or anything else of value. That something of greater or less value is generally played for in this parlor style of card-playing is too well known to need any affirmation by this Committee. And civil courts have already decided it to be gambling. What a subject for thought and humiliation it is, and an evidence that evil can stealthily creep into the Church, although the most glorious body on earth, that here is a practice indulged in by church members which, when brought into court, has been found to be under the ban of State law, which looks only to public policy. How then is the Church fulfilling her mission as the light of the world? How can her people be the salt of the earth when the salt cannot be distinguished from the earth?

No General Assembly of our Church has made a deliverance touching card-playing in any form for the last fifteen years, nor upon theater-going and dancing for twelve years. In view of these facts, and in view of the whole subject, involving the most weighty interests, your Committee would recommend for adoption the following resolutions:

1. That this General Assembly reaffirms the deliverances of past Assemblies on the subject of worldly amusements, calling attention to the excellent summary of Christian principles set forth in the action of the Assembly of 1879, and the resolution adopted by the Assembly on "the theater and opera" (*Digest*, Moore, 1886, pp. 590, 591). Also to the action of the New School Assembly in 1869 on "the opera, the dance, the theater, and card-playing" (*Digest*, Moore, 1886, pp. 588, 590); and the action of the Old School Assembly of 1860, interpreting our Standards, in answer to an Overture from the Presbytery of Cincinnati, to the effect that social dances and private theatricals are included under the head of "dancing

and stage plays" mentioned in the Larger Catechism amongst the "sins forbidden in the seventh commandment," and declaring Church Sessions fully competent to decide when and how far discipline should be exercised (*Digest*, Moore, 1886, p. 586). (See this *Digest*, Vol. I, pp. 525, **d**; 526, **3**; 531, **b.**)

2. This General Assembly would affectionately call upon all the members of our Church, so to regard their obligations to Christ, as to see to it, that they take no part in amusements which they cannot take in his name.—1891, pp. 153–155.

b. *The theater and the opera.*

The Committee recommended the following resolution:

A resolution in regard to the theater and the opera referred to the Committee by the Assembly. In reporting this resolution for adoption, your Committee think it wise to invite the attention of our churches to those grounds of Christian principles, so easily overlooked, on which the Assembly based their disapprobation of these forms of entertainment. They recommend that the following Minute be recorded, with the intent that the pastors, at their discretion, may read it from their pulpits:

The General Assembly affectionately request all the churches and church members under their care to weigh and make application of the following principles and considerations:

1. Christian piety does not consist in any merely outward proprieties, but chiefly in those renewed and positive affections and principles which attend the life of Christ in the souls of his people.

2. Yet, inasmuch as it is impossible for the Church to look directly, as God alone can, upon the affections and principles by which her members are controlled; and, inasmuch as a sense of common infirmity prompts all good men to judge charitably each other's characters, it comes to pass that the mere external propriety which avoids gross sin possesses with men a Christian currency and acceptableness which it can by no means have with Christ, who died for us that we might live unto him.

3. Since Christians are of necessity intimately associated with those who are not Christians, and since, especially in matters that are not covered by specific divine law, men's views of what is externally proper are so largely affected by the views and practices of the community about them, it further comes to pass that neither the Bible, nor the Church, nor the thoughtful consciences of Christians, but worldly usage, is allowed to define those limits of external propriety to which a Christian may reputably go.

4. It is in this way that many forms of dangerous worldly indulgence come to be included as allowable elements of Christian living. No one would claim that the divine development of the life of Christ in the new heart of a Christian would, of itself, lead to entertainments whose prevailing influence over those who partake of them, and, signally, over many of those who provide them, is like that which the theater and the opera are known to exert. Surely no Christian will maintain that his devotion to Christ binds him to use and encourage these forms of entertainment. At most, he defends them, and by the plea that they are not so wrong that to love them, resort to them, and uphold them, disproves piety.

The Assembly raise their affectionate warning against that whole principle of living, which sets aside the sacred and inspiring responsibilities of a life wholly Christ's, in the interest of any gratifications, which are at the same time gratuitous and of harmful tendency. It is true, indeed, that men can find, or can make, temptations in forms of action which are of indispensable use; and that fact in no way forbids a Christian to share in such necessary acts. Thus the avarice of some men and the gluttony of others do not forbid Christians to use money or food. But when a form of action is uncommanded and entirely voluntary, being chosen only for the pleasure which it gives, it can claim no allowance from a loyal Christian conscience, unless it commend itself to the most enlightened and enlarged Christian love for Christ, for holiness and for the souls of men.

In view of this simple, fundamental, and far-reaching principle, so frequently explained in the New Testament, the Assembly now appeal to all the pastors, Sessions, and church members under their care, that they discourage, in all earnest and consistent ways, the resort of Christians and their families to the theater and to the opera.

It would be easy to enumerate with these many other forms of public and social amusement which, on account of their known practical tendency, are equally precluded by the same principle. But no list of such unwholesome gratifications could possibly be made complete. The Assembly, therefore, are not to be thought to be indorsing any worldly usage of which they now omit to speak; but they consider that there are special reasons for calling attention to those two forms of recreation which have been named. They are very prevalent and very seductive; they are notably unfriendly to personal spirituality, to the safe training of children and youth, to the just and predominant interest of the Church's members in the Church's own meetings for simple and unartistic prayer and praise, and to a healthy taste for the direct and spiritual exercises of public worship. In addition to this, they are publicly partaken of in the presence of a multitude, and therefore they exert such a power of misleading example as hardly belongs to any other form of worldliness. And, finally, they are very commonly excused by abstract pleas which overlook entirely their known and settled practical tendency. For these reasons the Assembly count it their duty to utter in regard to them a tender but explicit warning. The prayerful and considerate attention of pastors and people is accordingly called to the following resolution:

Resolved, That, in view of the increased attendance of church members at the theater and opera, the Assembly bear earnest and solemn testimony against this practice as inconsistent with Christian duty, since it not only gives countenance and support to an institution, justly described by a former Assembly as a school of immorality, but is in itself spiritually hurtful, and tends to obliterate the lines which should always be plainly visible between the followers of Christ and the world.—1879, pp. 625, 626. Reaffirmed, 1891, p. 155.

5. Gambling, lotteries, horse-racing, betting, etc.

a. *These sins to be denounced and avoided.*

The vice of gambling has also been forced upon our attention. We indeed hope that few, or perhaps none, of our actual professors have indulged themselves in the practice of what they consider as coming under the denomination of gambling. But perhaps there are some addicted to this practice who have evinced a predilection for our Church and forms of worship, and who are not unwilling to receive the word of admonition from us. Such we would earnestly exhort to consider in the most serious manner the consequences of the course they are pursuing, and the awful lessons which the experience of the world is every day exhibiting on this subject. But it is our duty further to testify that all encouragement of lotteries and purchasing of lottery tickets, all attendance on horse-racing and betting on such, or any other occasions, and all attempts of whatever kind to acquire gain without giving an equivalent, involve the gambling principle, and participate in the guilt which attaches to the vice.—1818, p. 690.

b. *Lotteries to be discountenanced.*

The Report of the Committee on the subject of lotteries, which was laid on the table, was taken up and adopted, and is as follows, viz.:

That although so often sanctioned by legislative acts, although the proceeds of lotteries have not unfrequently been appropriated to benevolent and religious objects, although many wise and good men have, in periods past, by their participation or agency given countenance to lotteries, yet your Committee cannot view them in any other light than that of legalized gambling.

It would require volumes to record all the evils resulting from this system of predatory speculation. It adds nothing to the wealth of the community. It too often takes from the uninformed poor the property obtained by labor and skill, and transfers the same without the least equivalent into the hands of the idle and unworthy. It thus becomes the means of introducing and extending habits of gambling in all forms. Hundreds of families yearly are reduced to dependence and beggary, and not unfrequently its deluded victims terminate their miserable existence in this world by suicide.

Contemplating this multitude of evils to individuals, to families and to the community at large, your Committee beg leave to submit the following resolutions:

Resolved, 1. That, in the opinion of this General Assembly, all lotteries should be discountenanced by every professed member of the Presbyterian Church as immoral in their nature and ruinous in their effects upon individual character and the public welfare.

2. That the purchase and sale of lottery tickets should be avoided by every member of our Church, even when the professed object of the lottery may be praiseworthy, inasmuch as it is not allowable to do evil that good may come.

3. That all the Presbyteries under the care of this General Assembly be, and they hereby are recommended to take order on the subject of lottery gambling, to press the consideration of it and its attendant evils upon ministers and Sessions, and to adopt such plans of operation as may free the Church from all participation in this sin, enlighten, arouse and direct public opinion, and save our country from this and every other species of gambling.—1830, p. 306.

[NOTE.—See No. 4, p. 529; *Minutes*, 1891, pp. 153-155; 1858, p. 33, C. P.]

c. *Circulation of lottery schemes through the mails.*

A *Petition* having been referred to this Committee respecting the circulation through the mails of lottery schemes and immoral literature, the Committee recommend the following resolution:

Resolved, That the General Assembly renew the expressions of the last Assembly, of sympathy with the efforts to suppress the circulation, in the mails and otherwise, of publications of this character.—1880, p. 77.

[NOTE.—See *Minutes*, 1879, p. 556; 1890, p. 37.]

d. *All games of chance discountenanced.*

In view of recent notorious attempts to force the lottery system upon some portions of our land by legislative enactments, the General Assembly does hereby reiterate in the most emphatic manner its condemnation of all lotteries as immoral in their nature and ruinous in their effects upon individual character and public welfare. The members of our Church are exhorted to discountenance all forms of resorting to chance even for professedly praiseworthy objects; inasmuch as it is not allowable to do evil that good may come. The Presbyteries under our care are also recommended, to press upon the consideration of ministers and Sessions the vicious influence of lotteries, and urge them to do what they can to arouse public conscience against this and every other species of gambling.—1890, p. 37.

6. Duelists excluded from church privileges. Ministers should not attend the funeral of a fallen duelist.

The General Assembly having taken into serious consideration the unhappy prevalence of the practice of dueling in the United States, and being anxiously desirous to contribute what may be in their power, consistently with their character and situation, to discountenance and abolish this practice:

Resolved unanimously, That they do, in the most unequivocal manner, declare their utter abhorrence of the practice of dueling and of all measures tending thereto, as originating from the malevolent dispositions of the human heart, and a false sense of honor, as a remnant of Gothic barbarism, as implying a presumptuous and highly criminal appeal to God as the sovereign Judge, as utterly inconsistent with every just principle of moral conduct, as a direct violation of the sixth commandment, and destructive of the peace and happiness of families; and the Assembly do hereby recommend it to the ministers in their connection to discountenance, by all proper means in their power, this scandalous practice.

Resolved also, That it be and it is hereby recommended to all the ministers under the care of the Assembly that they scrupulously refuse to attend the funeral of any person who shall have fallen in a duel, and that they admit no person who shall have fought a duel, given or accepted a challenge, or been accessory thereto, unto the distinguishing privileges of the Church, until he manifest a just sense of his guilt, and give satisfactory evidence of repentance.—1805, p. 339.

7. Slavery and slaveholding.

Overture on selling a slave, a member of the Church.

The following resolution was submitted to the Assembly, viz.:

Resolved, That a person who shall sell as a slave a member of the Church, who shall be at the time of sale in good standing and unwilling to be sold, acts inconsistently with the spirit of Christianity, and ought to be debarred from the communion of the Church.

After considerable discussion, the subject was committed to Dr. Green, Dr. Baxter and Mr. Burgess, to prepare a Report to be adopted by the Assembly, embracing the object of the above resolution, and also expressing the opinion of the Assembly in general as to slavery.

The Report of the Committee being read, was unanimously adopted and referred to the same Committee for publication.—1818, p. 692.

[Note.—For the Report in full, with references to the subsequent action of both Assemblies, see Moore's *Digest,* 1886, pp. 593–595.]

8. On the lynching of Negroes.

The following Paper was adopted:

Whereas, The practice of lynching Negroes is a frequent occurrence in the South, and is a great evil, inasmuch as it deprives the accused of the right of trial, which right should be accorded to the meanest person; and,

Whereas, The aforesaid practice tends to overthrow the civil law and to ignore constitutional authority, and to engender strife between the races; and,

Whereas, The abolition of the aforesaid evil practice will go far to maintain peace, order and harmony between the races, which are so essential to the welfare of both; therefore,

Resolved, That the General Assembly of the Presbyterian Church does hereby express its great sorrow for the existence of this aforesaid evil practice, now disapproves of the same, and calls upon the good people of the nation and upon all lawful authority to suppress it.—1892, p. 217.

9. Intemperance.

[Note.—In 1811, Dr. Benjamin Rush presented to the Assembly one thousand copies of a pamphlet, entitled "An Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind." At the same session it was:]

a. *Resolved,* That the Rev. Drs. Miller, Milledoler and Romeyn, Rev. Messrs. James Richards, McNeice, Ezra Styles Ely and Gardiner Spring, Dr. John R. B. Rodgers, Col. Henry Rutgers and Mr. Divie Bethune, be a Committee to endeavor to devise measures which, when sanctioned by the General Assembly, may have an influence in preventing some of the numerous and threatening mischiefs which are experienced throughout our country by the excessive and intemperate use of spirituous liquors, and that this Committee be authorized to correspond and act in concert with any persons who may be appointed or associate for a similar purpose, and that the Committee hereby appointed report to the next General Assembly.—1811, p. 474.

Upon the Report of this Committee the next year, it was

b. *Resolved,* 1. That it be recommended to all the ministers of the Presbyterian Church in the United States to deliver public discourses, as often as circumstances may render expedient, on the sin and mischiefs of intemperate drinking, in which as well as on all suitable occasions, both public and private, it will be proper pointedly and solemnly to warn their hearers, and especially members of the Church, not only against actual intemperance, but against all those habits and indulgences which may have a tendency to produce it.

2. That it be enjoined on all Church Sessions within the bounds of the General Assembly that they exercise a special vigilance and care over the conduct of all persons in the communion of their respective churches with regard to this sin, and that they sedulously endeavor by private warning and remonstrance, and by such public censures as different cases may require, to purge the Church of a sin so enormous in its mischiefs and so disgraceful to the Christian name.

3. That it be recommended to the ministers and other officers and members of our Church that they exert themselves to diffuse as extensively as possible among their congregations and the community at large such addresses, sermons, tracts or other printed compositions on this subject as may have a tendency to produce a suitable impression against the use of ardent spirits, and to recommend sobriety and temperance.

4. That it be recommended to the officers and members of our Church to take such measures as may be judged proper and effectual for reducing the number of taverns, and other places of vending liquors by small measures, in all those parts of our country in which either their excessive numbers or the improper character of such places render them a public nuisance.

It is believed that the evils arising from these sources are incalculably great, and that by prudent management they admit, under Providence, of very considerable diminution.—1812, p. 511.

10. Total abstinence from the use of wines, liquors, etc., urged.

a. We earnestly recommend to the officers and members of our Church to abstain even from the common use of ardent spirits. Such a voluntary privation as this, with its motives publicly avowed, will not be without its effect in cautioning our fellow Christians and fellow citizens against the encroachment of intoxication; and we have the more confidence in recommending this course as it has already been tried with success in several sections of our Church.—1818, pp. 689, 690 (reprint).

b. The Report of the Committee on Temperance was taken up, and after mature consideration was unanimously adopted, and is as follows, viz.:

Resolved, 1. That this Assembly regard with devout gratitude and praise the great success which has attended the efforts of the friends of the cause of temperance during the past year, as evinced in the increase of the number and zeal of temperance societies, in the diminution of the sale of ardent spirits, and in the existence of a strong and increasing public sentiment against the use of it.

2. That they cordially approve and rejoice in the formation of temperance societies on the principle of entire abstinence from the use of ardent spirits, as expressing disapprobation of intemperance in the strongest and most efficient manner, and making the most available resistance to this destructive and widespreading evil.

3. That they deeply deplore the apathy manifested by many professing Christians toward the cause of temperance, while many distinguished persons who make no religious profession are prompt and powerful fellow laborers with Christians in this worthy and divinely sanctioned cause. And especially do they grieve and wonder that members of our churches, in view of an evil so debasing and so awful in its prospective bearings on all the interests of the country, should not only take no part in the exertions of their brethren and fellow citizens against intemperance, but by using and trafficking in ardent spirits be actively engaged in promoting it.

4. That they earnestly recommend, as far as practicable, the forming of temperance societies in the congregations under their care, and that all members of the churches adopt the principle of entire abstinence from the use of ardent spirits.

5. That as friends of the cause of temperance this Assembly rejoice to lend the force of their example to that cause as an ecclesiastical body by an entire abstinence themselves from the use of ardent spirits.—1829, p. 262.

c. *Resolved*, 1. That this Assembly considers itself called upon to make a public acknowledgement of the goodness of God for the unparalleled success with which he has crowned the efforts of those who are actively concerned in the promotion of temperance.

2. That the experience of the past year furnishes additional and most abundant evidence of the wisdom and importance of the plan adopted by the American Temperance Society.

3. That this Assembly feels bound to repeat a former recommendation to the ministers, elders and members of the churches under its care, to discountenance the use of distilled liquors not only by abstaining themselves from the use of such liquors, but by actively promoting every prudent measure devised for the purpose of furthering the cause of temperance.

4. That this Assembly earnestly recommends to all persons for whose spiritual interests it is bound to consult that they favor the formation of temperance societies on the plan of entire abstinence.—1830, p. 298.

d. The Assembly recommend to all the members of the churches under their care to be found the fast, unflinching and active friends of temperance, abstaining from all forms and fashions which would countenance to any extent the sin of intemperance, avoiding even the appearance of evil, disentangling themselves from all implication with the traffic and manufacture, and especially presenting in their whole lives a standing and unvarying exemplification of the only true principle of temperance—total abstinence from everything that will intoxicate.—1840, p. 15, N. S.; 1877, p. 558.

e. The Assembly (N. S.) reiterates the sentiments and recommendations of former Assemblies, and calls upon its ministers and the members of its churches to renew their efforts in this direction, and especially to refrain from the use of cider, beer and ale as a beverage, and also from the manufacture and similar use of domestic wines.—1864, p. 508, N. S.

f. The General Assembly has repeatedly expressed its earnest desire for the universal prevalence of temperance among the people of this land. But as a new exigency has arisen, growing out of the demoralizing tendency of war, this Assembly enjoins upon all their ministers, ruling elders and church members to use their influence upon those around them, particularly on our young men now returning from the army, and on our youth in academies and colleges, to practice entire abstinence from all intoxicating drinks as a beverage, which it is believed is the only sure protection against drunkenness. Intemperance is a great sin against God as well as a bitter curse to man, obstructing the progress of the Gospel of our Lord Jesus Christ in the world, and weakening its power over the hearts of men. Hence it is an imperative duty, required alike by piety and patriotism, to do whatever may be practicable "to stem the torrent that is sweeping myriads into the vortex of irretrievable ruin." Especially should there be the frequent utterance of friendly warning to the young and inconsiderate, "Touch not, taste not, handle not," accompanied by a corresponding example. This simple and effective remedy, carried into all the walks of life, will make our nation as prosperous and happy in peace as it has been heroic and victorious in war.—1865, p. 570, O. S.

g. *Resolved*, That total abstinence from all intoxicating drinks as a beverage is demanded from every Christian by the condition of society, the purity of the Church and the Word of God.—1866, p. 274, N. S.; 1877, p. 558.

[Note.—Thenceforth reaffirmed by almost every Assembly. See 1897, p. 127.]

11. Entire separation from the liquor traffic urged.

The General Assembly hereby reaffirms its previous deliverances on temperance, laying special emphasis upon personal total abstinence on the part of the members of the Church, and entire separation from any connection with the liquor traffic.—1902, p. 101.

That all our membership be urged to abstain from all complicity with the liquor traffic, in any and every manner and form, thus abstaining from even the appearance of evil.—1903, p. 160.

12. Manufacture and traffic in ardent spirits condemned.

a. That while this Assembly would by no means encroach upon the rights of private judgment, it cannot but express its very deep regret that any members of the Church of Christ should at the present day and under existing circumstances feel themselves at liberty to manufacture, vend or use ardent spirits, and thus, as far as their influence extends, counteract the efforts now making for the promotion of temperance.—1830, p. 298.

b. That the practice of sending out ardent spirits to be used as a drink by the unevangelized and partially civilized nations and tribes of men is in our view a violation of the principles and precepts of the Christian religion, and ought to be abandoned throughout the world.

That the traffic in ardent spirits, to be used as a drink by any people, is in our judgment morally wrong, and ought to be viewed as such by the Churches of Jesus Christ universally.—1834, p. 445.

c. In the narrative for 1837 the Assembly say:

It is with the utmost surprise and pain that we learn from the Reports of two or three Presbyteries that some of their members, and even ruling elders, still manufacture and sell ardent spirits. These things ought not so to be. They are a stumblingblock to many and have a manifest tendency to bring overwhelming calamities, both temporal and spiritual, on society at large. No Church can shine as a light in the world while she openly sanctions and sustains any practices which are so evidently destructive of the best interests of society.—1837, p. 510.

13. The manufacture and sale of intoxicating drinks an offense.

a. The great increase of intemperance throughout the land, especially in our towns and large cities, renders it imperative on the Church to put forth her influence to arrest it in its destructive progress. But to render her influence effective she must purge herself from all participation in the sin by removing from her pale all who are engaged in the manufacture and sale of intoxicating drinks for use as a common beverage.

When a person has been admitted to sealing ordinances in Christ's house, he ought not to be excluded but upon grounds which are sanctioned by the Word of God and the discipline of the Church; and where such exclusion takes place, it is always founded upon an alleged offense against the authority and laws which Christ has established in his house. Hence, one of the ends of discipline, as laid down in our Standards, is "the removal of offenses" from the Church of Christ. In the very outset, then, it becomes necessary to ascertain what is an offense. In our Book of Discipline it is defined to be "anything in the doctrine, principles, or practice of a church member . . . which is contrary to the Word of God; or which, if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification" (Chap. I, Sec. 3). That the practice of manufacturing and retailing intoxicating drinks is, in its own nature, sinful, we do not affirm, and need not therefore consider, in this sense, an offense against the laws of Christ's house. But that it tempts others to sin and mars their spiritual edification is too obvious to require proof. The retailer is the proximate agent in tempting many to drink to drunkenness, and in forming in others the appetite for strong drink which leads to brutal intoxication. In doing this he offends against God's children, who are grieved at his conduct, which is productive of such injurious results both to the bodies and souls of men. On these grounds, therefore, he is guilty of an "offense" against the Word of God, which is very explicit in setting its seal of condemnation on such conduct. In the eighth chapter of his First Epistle to the Corinthians, the apostle has decided this point with great precision. In the church of Corinth some thought it to be right to eat meat which had been offered to idols, others thought it wrong. The matter was submitted to the apostle, who decided that although the act was not in its own nature sinful, yet if it became the occasion of offense or injury to a weak brother it ought not to be done. "But meat commendeth us not to God: for neither, if we eat, are we the better; neither, if we eat not, are we the worse. But take heed lest by any means this liberty of yours become a stumblingblock to them that are weak. For if any man see thee which hast knowledge sit at meat in the idol's temple, shall not the conscience of him which is weak be emboldened to eat those things which are offered to idols; and through thy knowledge shall the weak brother perish, for whom Christ died? But when ye sin so against the brethren, and wound their weak conscience, ye sin against Christ. Wherefore, if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend." According to this decision of the apostle, therefore, men "sin against Christ" when they "sin . . . against the brethren" by doing that which, though not sinful in itself, becomes a stumblingblock to them, and tempts them to the commission of sin. Against such a course the apostle guards professing Christians and declares that he had determined to avoid it.

Now, the apostle's decision in regard to the case at Corinth applies to the use of intoxicating drinks when manufactured and sold for a common beverage. When prepared and sold for this purpose, those who do so "sin . . . against the brethren, and wound their weak conscience," and thus "sin against Christ." Hence they are guilty of "an offense," their conduct being "contrary to the Word of God."

Thus far the subject appears very plain. That a manufacturer and retailer of intoxicating drinks for the purpose mentioned is guilty of an offense proved to be such from Scripture, the foregoing remarks clearly demonstrate. But is it such an offense as ought to exclude persons from the full privileges of the Church? In maintaining the affirmative of this question, it is important to remark that whatever would prevent the admission of a person to the sealing ordinances of the Church, on his first application, ought, if found in connection with his character or conduct after his admission, to exclude him from her communion. This is so evident as to require no proof. What, then, would be considered a sufficient bar to the full enjoyment of the privileges of the Church? To this we reply that anything in the principles or practice of the applicant for admission which greatly impaired or destroyed the credibility of his profession of faith in Christ would be a sufficient ground of refusal. For the ground of admission, as presented both in the Word of God and the Standards of the Church, is a credible profession of faith in the Son of God. In the case of the jailer, the Ethiopian eunuch, and even of Simon Magus, who afterward apostatized, a credible profession was required and exhibited before they were admitted to the communion of the society of the faithful. The same principle is recognized in our Standards. "Those who are admitted to sealing ordinances, shall be examined as to their knowledge and piety" (Directory for Worship, Chap. i, Sec. iii; see also Chap. iv., Sec. iv). From these passages it is manifest that such a profession as involves credible evidence of Christian character, in which knowledge and piety are essential elements, is required by our Book of those who would be admitted to sealing ordinances. Such being the case, whatever essentially impairs or destroys this evidence bars the way to their admission. Accordingly it is provided that "such as are found to be ignorant or scandalous, notwithstanding their profession of the faith and desire to come to the Lord's Supper, ought to be kept from that sacrament, by the power which Christ has left in His Church, until they receive instruction and manifest their reformation" (Larger Catechism, Q. 173). Ignorance and immorality of conduct are here indicated as sufficient grounds on which to refuse an applicant admission to the table of the Lord. The reason is that where either or both exist there is a want of credible evidence of Christian character; and where this is wanting, the person ought not to be admitted. And on the same ground, a person who has been admitted, if he be afterward found to be ignorant or scandalous, and thus destitute of the evidence of Christian character, ought to be excluded.

In the case which we are considering, the person in question does not give credible evidence in favor of his Christian character. He does not give such satisfaction with respect to his "knowledge and piety" as is sufficient to entitle him to continue in the full privileges of the Church as a member in good standing. For the man who, at the present time, is ignorant of the effects of the practice of the manufacture and sale of intoxicating drinks as a common beverage, in tempting others to sin and "marring their spiritual edification," must be criminally regardless of what is going on around him. And he who, knowing this, perseveres in the practice, evinces a state of heart directly the reverse of that which is produced by "the grace of God," that "teaches us that, denying ungodliness and worldly lusts, we should live soberly, righteously, and godly in this present world." On the ground, therefore, that his profession of religion is destitute of the attributes which are necessary to render it credible he ought not to be continued in the communion of the Church, nor certified as a member in good standing.

We are aware that it has been objected to this view of the case that it is establishing a new term of communion not before known in the Church. But upon the principles laid down and established, it is not. We have seen that credible evidence of Christian character, involving the exhibition of "knowledge and piety," is the old term of communion laid down in God's Word and the Standards of our Church. It has also been made to appear that the practice of manufacturing and retailing intoxicating drinks as a beverage is a sin against the brethren and against Christ, and while persevered in vitiates this evidence and works a forfeiture of the privileges of Christian communion. If the practice of the Church has been to any extent favorable to the admission or continuance of such persons in her communion it only proves that the Church in these cases has overlooked or neglected to enforce the true principles of her Standards. It cannot be fairly drawn into argument to prove that the principle is not there, or if there, that it ought not to be applied in this, as in other cases, of visible offense against Christ and his Church. We conclude, therefore, that it is not adopting any new term of communion to exclude persons from sealing ordinances on the ground of their manufacturing and vending intoxicating drinks as a beverage. On the contrary, it is only falling back upon the teachings of the Bible and the Constitution of the Church, which requires visible Christianity, in a credible form, of those who would partake of these ordinances, and refuses the privilege to those who by overt acts of offense fail to present such evidence.—1865, p. 571, O. S.; 1889, p. 103.

b. *Those engaged in the manufacture or traffic in intoxicating liquors should not be received or retained in the Church.*

We call upon the Sessions of our churches to guard carefully the purity of the Church by refusing to admit to membership, or to retain those within her pale, who are engaged in the manufacture or sale of intoxicating liquors as a beverage or who derive their livelihood from this sinful traffic. —1877, p. 558.

14. Persons encouraging the liquor traffic subject to discipline.

[See this *Digest*, p. 110.]

15. Prohibitory laws.

a. The following resolution upon the subject of temperance was unanimously adopted:

Resolved, That the General Assembly continue to view with deep interest the progress of the temperance reformation, most intimately connected with the vital interests of men for time and eternity, and they do especially hail its new phase through the action of several State Legislatures by which the traffic in intoxicating liquors as a beverage is entirely prohibited. They commend this new system of legislation to the attention and support of all ministers and churches connected with this body for its blessed results already experienced, and as able, if universally adopted, to do much to seal up the great fountains of drunkenness, pauperism and crime, and relieve humanity of one of its most demoralizing and distressing evils.—1854, p. 503, N. S.

b. *Whereas*, Intemperance is the great antagonist of domestic peace and social happiness, of sound morality and pure Christianity, and at war with all the dearest interests of man for this world and the future; and whereas, the experience of two hundred years proves that this evil can never be removed or effectively resisted while the traffic in intoxicating drinks is continued, it being necessary if we would stop the effect to remove the cause; therefore,

Resolved, 1. That this Assembly, as lovers of our holy religion, of our country and our race, and as office bearers in the Church, can but feel a lively interest in the progress of the temperance reform.

Resolved, 2. That we here record our devout thanksgiving to almighty God for the recent unparalleled progress of this reform, as evinced by the action of the Legislatures of thirteen States and two Territories of our Union, in the passage of laws prohibiting entirely the traffic in all intoxicating beverages.

Resolved, 3. That in the opinion of this body laws prohibiting the sale of intoxicating drinks can interfere with the rights of no man, because no man has a right of any name or nature inconsistent with the public good or at war with the welfare of the community, it being a well-known and universally acknowledged maxim of law that "No man has a right to use his own to the injury of his neighbor."

Resolved, 4. That we earnestly recommend to the ministers and congregations in our connection, and to all others, to persevere in vigorous efforts until laws shall be enacted in every State and Territory of our beloved country prohibiting entirely a traffic which is the principal cause of the drunkenness, and its consequent pauperism, crime, taxation, lamentation, war and ruin to the bodies and souls of men, with which the country has so long been afflicted.—1855, pp. 30, 31, N. S.; 1883, p. 655; 1889, p. 103; 1892, p. 164; 1895, p. 100.

c. Without attempting, therefore, to indicate any distinct line of policy to be pursued in the effort to repress intemperance, the following resolutions are recommended for adoption:

1. That this Assembly repeats the unvarying testimony of preceding Assemblies against this widespread and destructive vice.

2. That in view of the evils wrought by this scourge of our race, this Assembly would hail, with acclamations of joy and thanksgiving, the utter extermination of the traffic in intoxicating liquors as a beverage,

by the power of Christian conscience, public opinion, and the strong arm of the civil law.—1883, p. 655; 1884, pp. 73, 74; 1885, pp. 666–668; 1887, p. 127; 1889, p. 103; 1892, p. 164; 1895, p. 100.

16. Against the manufacture and sale of intoxicating liquors and renting property for such uses.

a. *Overture*, from the Presbyteries of Pittsburgh and of Philadelphia Central, asking the Assembly for further action, clear and unmistakable, in regard to the manufacture, sale, and use as a beverage, of intoxicating liquors. The Committee recommend the following answer:

This General Assembly, believing the manufacture, sale, and use of alcoholic stimulants as a beverage, to be contrary to the spirit of God's Word, and wholly inconsistent with the claims of Christian duty, reiterate the testimonies of former Assemblies on this subject.

The Assembly also affirm their conviction of the reprehensible complicity in the guilt of the aforesaid traffic of those who knowingly rent their premises for such purpose, or indorse licenses that legalize it.

And further to give emphasis to the action now taken and the utterances of former Assemblies above referred to, the Board of Publication are directed to print an abstract of such former testimonies as cover the points referred to in the Overtures, and send a copy thereof to every pastor and stated supply within our bounds, with the direction of the Assembly to read the same publicly from their respective pulpits.

Finally, the Assembly recommend the general circulation of a temperance literature as tending to inform and arouse the public conscience with reference to the evils of intemperance. And to aid in this they urge upon the attention of the Board of Publication the publishing, in addition to those now on their catalogue, of such other treatises as shall be adapted to this end.—1871, p. 490; 1875, p. 515; 1876, p. 85; 1890, p. 83.

b. 1. The General Assembly, viewing with grave apprehension the persistence and spread of the use of intoxicating drinks, as among the greatest evils, if not the greatest evil, of our day, as a curse resting upon every nation of Christendom, as multiplying their burdens of taxation, pauperism and crime; as undermining their material prosperity, as a powerful hindrance to the Gospel at home, and as still more deeply degrading the heathen, whom we seek to evangelize abroad, would rejoice at the revival, in recent years, of efforts to stay these great evils, and would renew its testimony, begun as early as 1812 (and continued to the present day), "not only against actual intemperance, but against all those habits and indulgences which may have a tendency to produce it."

2. We reiterate the judgments of former General Assemblies against the manufacture and sale of intoxicating liquors to be used as a beverage, and against the renting of one's property knowingly for such manufacture and sale. We admonish our members to avoid all complicity in the traffic, and to use all their influence for the suppression of the same, in such measures and to such degrees as shall seem to them wise and expedient.

3. The efforts of the women of our own and of other Churches, in the promotion of the cause of temperance, are recognized as a powerful factor in the settlement of this question, and greatly increase our hope of final and complete success.—1880, p. 75.

[Note.—See *Minutes*, 1865, p. 561, O. S.]

17. The "saloon", licensed or unlicensed, a curse to our land.

That this Assembly regards the saloon, licensed or unlicensed, as a curse to the land, inimical to our free institutions and a constant jeopardy to the present and lasting peace and happiness of all members of the home, and, furthermore, loyalty to Christ and his Church should constrain every Christian citizen to be earnestly zealous in securing the removal of the traffic very largely responsible for the mass of crime, pauperism, and the social evil that flood the land with misery, and that we emphasize the great value to the cause of temperance in this country which comes from the Supreme Court of the United States in its recent decisions.

That we urge Congress to pass laws abolishing the sale of all intoxicating liquors for beverage purposes from all the Territories of the United States and the District of Columbia, and from all buildings and institutions under control of the United States Government.—1892, p. 164.

18. The Presbyterian Woman's Temperance Association indorsed.

That we indorse the work of the Presbyterian Woman's Temperance Association and all kindred organizations, and, bidding them Godspeed, that we urge the women of our Presbyterian churches to organize temperance work along the same Church lines as those adopted by the women of the Presbyterian churches of Pennsylvania, and this not in antagonism, but in perfect harmony with, the evangelistic work of other temperance organizations. Also that this work be extended to the children and youth. —1892, p. 165; 1890, p. 93; 1891, p. 150; 1893, p. 174; 1894, p. 154; 1896, p. 137; 1897, p. 124.

19. The deliverances of the past eighty years to be printed.

That from the pulpits of our beloved Church, emphasis should be given to the deliverances of this General Assembly for the past eighty years, and in order that church communicants and others who might be led to be interested in temperance work, may thoroughly understand the position of the Church, now and in years past, the Permanent Committee be requested to have their tract, "A Summary of the Deliverances of the Assembly on Temperance," sent to all pastors throughout the Church, with a request that the tract be distributed among the people.—1892, p. 165; 1895, p. 100.

20. Temperance training and education for the young.

a. *Resolved*, That we deplore the evils of intemperance, and that we see in those evils a great hindrance to that coming of the Lord's kingdom in human hearts for which the Church labors and prays.

We realize that the early education of the young as to the nature and effects of alcoholic drinks and other narcotics is a powerful preventive against intemperance. And we rejoice that laws have been enacted requiring this study in the public schools of thirty-nine States and in all the Territories, in the national military and naval schools, and in all Indian and colored schools under Federal control—embracing fully thirteen million children of school age. We recommend that our churches appoint special Committees to make efforts for the enforcement of these laws.

And, in cases where the law is not sufficiently mandatory, we recommend that our Synods instruct their Temperance Committees to petition for such amendments as the case may demand.

Resolved, That the time has fully come for the introduction of physiological temperance into all day mission schools, home and foreign, that are under the direction of the Presbyterian Church.

We, therefore, urge that the proper school authorities be required to provide for instruction as to the nature of alcoholic drinks and narcotics and their effect upon the human system.

Resolved, That we commend to the Presbyteries and Synods in the five States yet without temperance education laws, viz., Indiana, Tennessee, Arkansas, Georgia, and South Carolina, the example of the Synod of New Jersey, which last autumn instructed its Temperance Committee to petition the next Legislature of that State for compulsory temperance education in all public schools, which Petition has been granted in the enactment of a very satisfactory statute requiring this study of all pupils in all schools in that State under State control.—1894, p. 154.

b. Believing that in seeking a legislative panacea for present ills, due consideration is not given to preventive measures, it is urged that the children and youth be instructed more diligently on this subject; that the Church give increased attention to it by teaching and preaching, and by effecting temperance organizations within its own congregations, and subject to its own administration; that education be emphasized as, even more than legislation, an immediate need of the temperance cause, remembering always that the Gospel of Jesus Christ is the power of God unto salvation from this as from all other sins. Presbyteries and Synods are urged to renewed and increased activity along the lines of education and organization.—1895, p. 100.

21. Men of intemperate habits and official position.

That while not abating efforts to secure more efficient repressive legislation, there should be increased endeavor to secure by election and appointment to official position men of "clean hands and pure heart, who have not lifted up their soul unto vanity nor sworn deceitfully," and to sustain them in the faithful discharge of their duties. Cordial approval is given to all proper efforts to secure such legislation as will prevent the appointment of any man of known intemperate habits to official position under national, State or municipal authority.—1895, p. 100.

22. Political parties and licenses.

1. Action of the Assembly.

a. It is the sense of this Committee, while it is not the province of the Church to dictate to any man how he shall vote, yet the Committee declares that no political party has the right to expect the support of Christian men so long as that party stands committed to the license policy, or refuses to put itself on record against the saloon.—1892, p. 163.

b. *Resolved*, That we reaffirm the deliverance of the Portland Assembly that "No political party has the right to expect the support of Christian men so long as that party stands committed to the license policy, or refuses to put itself on record against the saloon."—1894, p. 154.

2. Protest against Resolution No. 7.

Against this Resolution (No. 7) a protest was presented, signed by forty-six commissioners, which was received and admitted to record, as follows:

The undersigned respectfully protest against so much of the action of the General Assembly on temperance as declares, "That no political party has the right to expect the support of Christian men so long as that party stands committed to the license policy, or refuses to put itself on record against the saloon." We deem this action an unwise interference with a political question, and believe that it cannot fail to be regarded by many of our people as hindering their free and conscientious discharge of their duties as voters.—1894, p. 178.

3. Members urged to vote against licenses.

Resolved, That in the judgment of this Assembly, the time has come when Christian men should make their influence felt directly and with power at the ballot box; and that all voters connected with our communion are urged to vote against the granting of licenses for the sale of intoxicating liquors.

Resolved, That we earnestly urge upon our people the desirability of demanding the enforcement of the liquor laws throughout the land.—1895, p. 100.

23. Educational institutions urged to prohibit the use of liquor.

That the Assembly urges the management of our educational institutions to discourage, and as far as practicable to prohibit the use of liquor, by their students, and at all social functions.—1905, p. 180.

24. Deliverance against the license system.

That the license system is wrong in principle, is contrary to the Gospel of our Lord Jesus Christ, and has proven futile in practice as a temperance measure.

Our members are hereby warned most solemnly against signing or presenting for citizens' signature, or in court, license petitions which tolerate the continuance of this unholy traffic, or in any other manner abetting this terrible business. This Assembly is unalterably opposed to the license system.—1906, p. 176.

25. Law Enforcement.

a. The following resolution was unanimously adopted by the Assembly:

Whereas, the widespread and growing, and in many instances, boasted violation of law, and in particular of the Eighteenth Amendment of the Federal Constitution, the fundamental law of our country, tends to discredit our form of government, and breeds disrespect for all authority, and

Whereas, the continuance of our nation hinges upon respect for and obedience to law; therefore,

Be it resolved, We, the General Assembly of the Presbyterian Church in the United States of America, true to our Church's traditions, and viewing with profound alarm the certain effects of this lawlessness upon the character of our people, call upon our members, and upon all Christians, for continued and increased activity in behalf of the maintenance and enforcement of all laws. The Assembly later directed that their action be telegraphed to the President and to the Attorney General of the United States and appreciative acknowledgments were received from both recipients.—1922, p. 39.

b. The following statement with reference to law enforcement was adopted by the General Council:

Pursuant to actions already taken by the General Assembly of the Presbyterian Church in the U. S. A., the General Council recognizes the very grave and widespread peril now threatening the good order and stability of our nation's life through regrettable and persistent violations throughout our country of the laws of the land.

Particularly does the General Council recognize the unrelenting effort of the enemies of the Eighteenth Amendment and the Volstead Act to break down respect for this great constitutional bulwark set for the safety of our government and the moral life of the people.

The General Council therefore urges the pastors and sessions of our churches to present most earnestly to the people the supreme need at this time of individual observance of our nation's laws. And since all temperance legislation in the nation is now subject to widespread and violent attack, the Council further urges that our people give prayerful and courageous attention to this special subject in its local as well as national connections.

Our pastors and people are asked to coöperate with all constituted authorities set for law enforcement, and to observe the fundamental claims of reverence for the laws of God and men. We urge the preaching of sermons and addresses on total abstinence and the observance and enforcement of law, together with the holding of public meetings for the mobilization of public sentiment back of the officers of the law.—1925, p. 101.

26. National Prohibition Upheld.

That the General Assembly of the Presbyterian Church in the United States of America reaffirm:

Its belief in National Prohibition as socially wise, economically profitable and Scripturally sound.

We are opposed to any modification of the Volstead law that would permit the sale of wine or beer for beverage purposes under any guise or method.

While honoring the place of the will of the people in our democratic form of government and seeking in every way to safeguard its expression and exercise, we deprecate the use of the referendum in matters involving the Federal statutes or Constitution, when the usual and historic procedure in registering the popular will is open to all. We further deprecate its use by reason of its doubtful legality and its entire ineffectiveness as a method of accomplishing any modification of our Federal statutes or Constitution.

We urge all Presbyterians to renewed interest, increased activity and larger support, morally and financially, of the Eighteenth Amendment and of Federal, State and local laws making this amendment operative.—1926, p. 57.

27. Approval of Eighteenth Amendment.

a. The Committee on Bills and Overtures presented a report which was adopted as follows:

That in reply to the resolution on the Eighteenth Amendment referred to this Committee by the General Assembly, the following action be taken:

Resolved, that this General Assembly again asserts its positive conviction of the abiding value of the Eighteenth Amendment to the Constitution of the United States and its unalterable opposition to its repeal or its nullification.

Resolved, that this Assembly deplores the lack of conscience on the part of many people, generally regarded as upright and worthy citizens, who, in their intimate social relations, use liquor as they please.

Resolved, that this Assembly calls upon every citizen to obey the law and to render all possible assistance in securing its enforcement.—1927, p. 201.

b. That the General Assembly reaffirm its conviction that prohibition, effectively enforced by the Government and courageously supported by its citizenship, will prove to be one of the greatest social, economic, and moral benefactions of all time.

The historic position of the Presbyterian Church in the U. S. A. on this subject is well-known. We call upon all Presbyterian ministers and laymen to support actively all public officers whose duty it is to enforce the law. By so doing, we, as Christian citizens, can give that active support to the President and other officers of the law which they justly merit. We can, as a people, by making prohibition a successful enterprise in the United States, release influences which may ultimately deliver the human race from the bondage of the liquor traffic.

The largest opportunity for the Church is in the field of education in all problems for the moral well-being of man-kind. We, therefore, as a Church, rededicate ourselves to an expanded program of education in these respects and face this larger responsibility with confidence and hope.—1929, p. 73.

28. Temperance Sabbath.

[NOTE.—See *Minutes*, 1897, p. 128.]

29. Communion wine.

[NOTE.—For deliverances as to the Lord's Supper, see this *Digest*, Directory for Worship, Chap, ix, p. 825.]

30. Permanent Committee on Temperance.

[NOTE.—Now merged in Board of Temperance and Moral Welfare, which see, this *Digest*, 1930, Vol. II, p. 737.]

31. Relation of temperance and other moral societies to the Church.

a. The Church of Jesus Christ is a spiritual body, to which have been given the ministry, oracles, and ordinances of God for the gathering and perfecting of the saints in this life to the end of the world. It is the great instrumentality of the Saviour, through which, by his eternal Spirit, he dispenses salvation to the objects of his love. Its ends are holiness and life, to the manifestation of the riches and glory of divine grace, and not simply morality, decency and good order, which may to some extent be secured without faith in the Redeemer and the transforming efficacy of the Holy Spirit. The laws of the Church are the authoritative injunctions of Christ, and not the covenants, however benevolent in their origin and aim, which men have instituted of their own will; and the ground of obligation which the Church, as such, inculcates, is the authority of God speaking in his Word, and not pledges of honor which create, measure and define the peculiar duties of all voluntary associations. In this kingdom of God the Holy Scriptures are the only rule of faith and manners, and no Church judicatory ought to pretend to make laws which shall bind the conscience, or to issue recommendations which shall regulate manners, without the warrant, explicit or implied, of the revealed will of God. It is, hence, beside the province of the Church to render its courts, which God ordained for spiritual purposes, subsidiary to the schemes of any association founded in the human will and liable to all its changes and caprices. No court of Christ can exact of his people to unite with the temperance, moral reform, colonization, or any other society which may seek their aid. Connection with such institutions is a matter of Christian liberty. Their objects may be in every respect worthy of the countenance and support of all good men, but in so far as they are moral and essentially obligatory, the Church promotes them among its own members—and to none others does its jurisdiction extend—by the means which God has ordained for the edification of his children. Still, in the exercise of their Christian liberty as good citizens, as patriotic subjects of the State, from motives of philanthropy and from love to God, Christian people may choose to adopt this particular mode of attempting to achieve the good at which all moral societies profess to aim; they have a right to do so, and the Church, as long as they indorse no false principles and countenance no wrong practices, cannot interfere with them. Recognizing these propositions as the truths of the Word of God, this General Assembly, as a court of Jesus Christ, cannot league itself with any voluntary society, cannot exact of those who are subject to its discipline to do so, but must leave the whole matter where the Scriptures leave it—to the prudence, philanthropy and good sense of God's children, each man having a right to do as to him shall seem good.

These societies must appeal not to Church courts, but to Church members. When they proclaim principles that are Scriptural and sound, it is not denied that the Church has a right, and under certain circumstances may be bound, to bear testimony in their favor; and when, on the other hand, they inculcate doctrines which are infidel, heretical, and dangerous, the Church has a right to condemn them. In conformity with these statements, the General Assembly has no hesitation in cordially approving of abstinence from intoxicating drinks as a matter of Christian expediency, according to the words of the apostle in Rom. 14:21, "It is good neither to eat flesh, nor to drink wine, nor any thing whereby thy brother stumbleth, or is offended, or is made weak," and in expressing its affectionate interest in the cause of temperance; and would recommend to its ministers and elders who have become connected with temperance societies to use every effort to prevent the introduction of any other principles as the ground of their pledge, and to throw around these institutions those safeguards which shall be the means of rescuing them from the excesses to which they are liable from influences opposed to or aside from the Gospel of Christ.—1848, p. 58, O. S.

A Memorial from the National Temperance Society, asking the Assembly to send delegates to a national temperance convention. The Committee recommend as an answer, that while this Assembly approves all proper efforts made to suppress intemperance, it declines to send delegates, in its name, to the proposed convention.—1873, p. 504.

b. In answer to an Overture praying the Assembly to give the temperance cause a proper prominence among the means of reform sustained by the Church, and especially suggesting that if it would arrange or recommend that some proper temperance movement should sustain the same relation to the churches as the tract, the Bible, and the missionary causes do, both morally and financially, it would be of immense advantage to the cause, replied as follows:

In compliance with the request of the petitioners, the Assembly are willing to assign to the cause of temperance a relation to our Church not dissimilar to that which has been given to the benevolent objects with which it is compared. But with none of these do we maintain any other connection than that which their own moral power secures upon the free affection and esteem of our members. Very cheerfully and earnestly would this Assembly commend the cause of temperance to all the ministers and members of our Church, and urge them heartily to coöperate with every judicious effort in a Christian spirit to promote it; that pastors frequently preach upon the subject, and especially that no countenance be given to those social usages by which great temptations to intemperance are thrown before their fellow men.—1860, p. 262, N. S.

32. The Assembly receives and appoints delegates only in the case of ecclesiastical bodies.

[NOTE.—See answer to request for the appointment of delegates to National Temperance Convention, this *Digest*, Form of Government, Chap. xii, p. 345.]

33. Deliverances on use of tobacco.

a. *Resolved*, That as the use of tobacco has grown to be a national evil, and is seriously hurtful to ministerial influence and usefulness, this General Assembly counsels the ministers of the Cumberland Presbyterian Church against the use of tobacco in any form whatever; also, that this counsel be earnestly pressed upon the attention of the candidates for the ministry in all our Presbyteries.—1886, p. 30, C. P.

b. *Resolved*, That the Board of Education are hereby instructed to give no aid to any candidate for the ministry in securing an education, who uses tobacco, and that it is the duty of the Board of Education to know, before aiding any student, that he does not use tobacco.—1889, p. 51, C. P.

c. *Overture No. 38*, from the Presbytery of Wichita, concerning the use of tobacco, was referred by the Committee on Bills and Overtures to this Committee.

It is as follows:

Whereas, The General Assembly of the Church has gone on record as disapproving the use of tobacco by its ministers, we, the members of Wichita Presbytery, do memorialize the General Assembly either to rescind its former action on this subject or,

1. To add to the requirements for ordination a declaration by the candidate that he does not and will not use tobacco in any form, and

2. That we require the officers employed by the Board and other agencies of the Church to refrain from all use of tobacco.

We recommend the following answer:

It is not deemed wise, by this Assembly, to lay more stringent restrictions upon the office bearers and courts of our Church in regard to the use of tobacco than have been applied to the use of intoxicating liquor.

But we desire to emphasize the following facts:

(1) That upon the lowest ground of utilitarian ethics, this habit is scarcely justifiable.

(2) That when measured by the spiritualized ethical principles of Christianity, it stands inexcusably condemned.

(3) That the Presbyterian Church teaches her youth, officially, that the use of tobacco is an evil habit, to be avoided.

(4) That in the light of present-day knowledge the Church cannot reverse her policy in this course of instruction.

(5) That it is a glaring inconsistency in the Church, to teach in the General Assembly, the Temperance Board, the Women's Societies, the Young People's Societies and the Sabbath schools, that the use of tobacco is an evil habit to be avoided, and then for her ministers and spiritual leaders and officers openly to set the example of indulgence in that habit.

In view of these facts, as we stand before this dilemma, the Assembly pleads with the office bearers of the Church, to relieve the Church of this reproach.

Shall we not, in this day when we are calling for heroism and self-sacrifice in order that we may meet the great opportunities of world service, stand reverently before those opportunities and say to our Lord, "If tobacco cause my brother to offend, I will neither smoke nor chew tobacco while the world standeth."—1916, p. 184.

34. Traffic in opium and other hurtful drugs.

Resolved, That the General Assembly place on record its conviction that our country ought to resume its stand in the front rank of the nations, regarding the traffic in opium and other hurtful drugs, and that to this end Congress ought as speedily as possible to enact an effective law to prevent interstate transportation of opium, cocaine and other similar drugs, except for guarded medicinal uses, and to prevent their sale, except for such purposes, in all places under the direct jurisdiction of the Government.—1913, p. 171.

35. Traffic in narcotic drugs.

That the General Assembly encourages and supports reputable and recognized national and international agencies engaged in the suppression of the unlawful traffic in narcotic drugs and commends the efforts of all Governments to limit the production of opium and its derivatives to the medicinal and scientific needs of the world.—1930, p. 68.

36. Purity in literature and art.

Papers Nos. 69 and *70*, both being from certain friends of purity in literature and art. The following declaration is recommended: That the General Assembly has learned with profound satisfaction that the National

Editorial Association and the National Republican Association, as well as other State Press Associations, have expressed their sympathy with the women's movement for the promotion of purity in literature and art, as tending to maintain a Christian standard of morality in society; and that they have pledged their Associations to make the press one of the best friends of humanity, by refusing space to all impure advertisements, and by excluding from their publications all that alloys the truth and hardens the conscience.

The General Assembly desires the religious papers enjoying Presbyterian patronage to give wide circulation to this pledge of the secular press, and advises all Christian families and readers to give the favor of their patronage to those papers and periodicals which honor this pledge by excluding all questionable advertisements and immodest serials, and which refrain from Sabbath editions.—1897, p. 84.

37. Cruelty to animals.

The consideration of the Paper on cruelty to animals presented on the second day of the sessions, was resumed, and the Paper adopted, as follows:

Whereas, It has pleased God, in his holy providence, to raise up helpers, in these latter years, to protect the inferior creation, the companions and helpers of man, from that formerly unrestricted tyranny and cruelty to which they were exposed, so that now, in a majority of the States and Territories of this country, laws in their behalf have been passed, and societies authorized, to prevent all acts of barbarism and cruelty against the poor dumb creatures whom God has committed to our charge; and

Whereas, The courts of our country have for the most part sustained these laws, by fines and imprisonments, whenever and wherever offenses have been committed and the facts proved, so that now great reforms are manifest where these societies have existed for any length of time; and

Whereas, The Apostle Paul, in urging the proper support of the ministry upon the Church, and "That they which preach the gospel should live of the gospel," quotes the ancient command to the Hebrews, "Thou shalt not muzzle the mouth of the ox that treadeth out the corn"; and

Whereas, All acts of cruelty to the inferior creation tend to produce cruelty in families, and a return to barbarism in society, and are utterly abhorrent to the spirit of the Gospel;—this General Assembly do earnestly recommend their ministers and members everywhere to aid in this good work, to sustain and defend these societies engaged in this noble reform, and that they offer constant prayers to the Holy Dove, the Spirit of God, for his tender influence, to inspire the hearts of men with mercy, and to the Lamb of God, the Head of the Church, to hasten the day when his own gentle and loving nature shall be given to all men, and "The wolf also shall dwell with the lamb," "and a little child shall lead them."—1875, p. 510.

4. Nothing shall, therefore, be the object of judicial process, which cannot be proved to be contrary to the Holy Scriptures, or to the regulations and practice of the Church founded thereon; nor anything which does not involve those evils which Discipline is intended to prevent.

1. New terms of communion cannot be sanctioned.

On the question whether the manufacturer, vender or retailer of intoxicating drinks should be continued in the full communion of the Church, the Committee recommend the following resolution, viz.: "That whilst the Assembly rejoice in the success of the temperance reformation, and will use all lawful means to promote it, they cannot sanction the adoption of any new terms of communion."—1842, p. 16, O. S. (See pp. 110, 535.)

2. Each case must be judged of by its own circumstances.

Resolved, That the Records of the Synod of Pittsburgh be approved except so far as they seem to establish a general rule in regard to the use and sale of ardent spirits as a beverage, which use and sale are generally to be decidedly disapproved; but each case must be decided in view of all the attendant circumstances that go to modify and give character to the same.—1843, p. 189, O. S.

[NOTE.—See above, Chap. i, Sec. iii, p. 525, under "Promiscuous Dancing" (*Minutes*, 1895, p. 106), as to creating new and unscriptural conditions of church membership.]

5. Every case in which there is a charge of an offense against a church member or officer, shall be known, in its original and appellate stages, as a judicial case. Every other case shall be known as a non-judicial or administrative case.

6. All children born within the pale of the visible Church are members of the Church, are to be baptized, are under the care of the Church, and subject to its government and discipline; and when they have arrived at years of discretion, they are bound to perform all the duties of church members.

[NOTE.—See in full this *Digest*, Vol. I, under Directory for Worship, Chap. viii, Secs. i–iii, and Chap. x, Sec. i, p. 726. In 1884, Sec. 5 was adopted as follows:
5. All baptized persons are members of the Church, are under its care, and subject to its government and discipline. When baptized children arrive at the years of discretion, they are bound to perform all the duties of church members.—1884, p. 27. In 1885, Sec. 5 (now 6) was adopted as above.—1885 p. 601. See also p. 76, iv.]

CHAPTER II.

OF THE PARTIES IN CASES OF PROCESS.

7. Process against an alleged offender shall not be commenced unless some person undertakes to sustain the charge; or unless a judicatory finds it necessary for the ends of discipline to investigate the alleged offense.

8. An offense, gross in itself, may have been committed in such circumstances, that plainly the offender cannot be prosecuted to conviction. In all such cases, it is better to wait until God, in his righteous providence, shall give further light, than, by unavailing prosecution, to weaken the force of discipline.

9. No prosecution shall be allowed in a case of alleged personal injury, where the injured party is the prosecutor, unless those means of reconciliation have been tried, which are required by our Lord, Matthew xviii, 15–17: "If thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church."

1. No testimony may be introduced injurious to parties not on trial.

a. An *Overture* on a case of discipline was taken up, and is as follows: Suppose a member of the Church is on trial, and his accuser is "Common Fame."* One specification against him is, "Speaking evil of his brethren A and B, while he neglects to take any Gospel steps to bring them to repentance or to trial."

The specification is abundantly sustained by testimony, but the person on trial proposes to introduce testimony to prove that the reports which he circulated, and the opinions which he pronounced derogatory to the brethren named, were true. Has the accused a right to introduce such testimony tending to injure the character of parties not on trial, nor connected at all with the prosecution, and having no opportunity for defense?

Would the Session be authorized to reject such testimony, on the ground that if introduced it would not exculpate the accused, inasmuch as he had no right to circulate evil reports against his brethren, whether true or false, while neglecting to bring them to trial?

To this the following answer was given:

The person on trial under charges tabled on the ground of "Common Fame" has no right to introduce testimony which inculpates his brethren who are not on trial, and who have no opportunity to defend themselves, because it was his previous duty to take proper steps, if the persons are guilty of the evils which he had alleged against them, to bring them to repentance or free the church from the scandal.—1852, p. 177, N. S.

b. The Committee to which was referred the Petition of certain individuals, members of the congregation in Tammany Street, Baltimore, reported, and their Report, being read and amended, was adopted, and is as follows:

That while it is unquestionably the privilege of individuals and members of the Presbyterian Church, when they think they see the peace, purity or prosperity of the Church in danger, either from an individual or from an inferior court, to apply to the General Assembly in an orderly manner for redress or direction, yet, in such cases, unless they mean to come forward as prosecutors with the necessary testimony, they should most carefully avoid mentioning names connected with charges of the most serious kind, in support of which no evidence has been orderly adduced; nor have the individuals thus accused had an opportunity of replying to those charges, or of making any defense of themselves. The Assembly, therefore, cannot witness a procedure of this kind without expressing their disapprobation of it.—1824, p. 113.

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*[Common Fame, since the adoption of the revised Book of Discipline, is no longer a ground of process. The principle, however, set forth in the above deliverance holds in all cases of prosecution. See Book of Discipline, Chap. ii, Sec. 6.]

c. *Resolved*, That the Assembly sustain the Appeals of the Session of the Church of Bloomington, and of Dr. Wylie, against a decision of the Synod of Indiana, and the judgment of the Presbytery and Session is hereby confirmed, on the ground that Mr. Harney circulated evil reports against Dr. Wylie, without showing that he did it in the due performance of some indispensable duty; but it is the judgment of this Assembly that Mr. Harney shall still have the privilege, if he desire it, of commencing a prosecution against Dr. Wylie before the Presbytery of Vincennes, and in such case, said Presbytery are hereby authorized and directed to hear the whole case and issue the same in a Constitutional way.—1834, p. 443.

10. The course prescribed by the preceding section shall not be required when the prosecution is initiated by a judicatory; but in all such cases, and in every case of prosecution by a private person other than the injured party, effort should be made, by private conference with the accused, to avoid, if possible, the necessity of actual process. (See p. 714, line 12.)

11. When the prosecution is initiated by a judicatory, THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA shall be the prosecutor, and an original party; in all other cases, the individual prosecutor shall be an original party.

[NOTE.—See under next Section.]

12. When the prosecution is initiated by a judicatory, it shall appoint one or more of its own members a committee to conduct the prosecution in all its stages in whatever judicatory, until the final issue be reached: *provided*, that any appellate judicatory before which the case is pending shall, if desired by the prosecuting committee, appoint one or more of its own members to assist in the prosecution, upon the nomination of the prosecuting committee.

1. The right of the Prosecuting Committee to appeal and to conduct the prosecution as representing an original party maintained.

a. The Judicial Committee presented its Report in the case of the Presbyterian Church in the U. S. A. *vs.* Rev. Charles A. Briggs, D.D., which was accepted, as follows:

The Judicial Committee respectfully reports that it has carefully considered the documents submitted to it in this case, and adopted the following resolutions:

1. That, in the opinion of this Committee, the Appeal taken by the Presbyterian Church in the United States of America, an original party represented by the "Committee of Prosecution," appointed under Sec. 11 of the Book of Discipline, has been taken from the final judgment of the Presbytery in dismissing the case; and that the said Committee had the right to take this Appeal representing the said original party.—1892, p. 90.

[NOTE.—For protest against this action of the Assembly, see *Minutes*, 1892, p. 205.]

b. In the case of the Presbyterian Church in the United States of America against the Rev. Charles A. Briggs, D.D., being an Appeal to the General Assembly from a decision and final judgment of the Presbytery of New York, rendered January 9, 1893, the Judicial Committee beg leave respectfully to report that they have examined the Papers pertaining to this case, and find:

1. That the appellant in this case is the Presbyterian Church in the United States of America, represented by its Prosecuting Committee, appointed by the Presbytery of New York, and, as such appellant, has a right of appeal to this Assembly as an original party, and said Prosecuting Committee is entitled to conduct the prosecution, in all its stages, in whatever judicatory, until the final issue be reached.—1893, p. 104.

c. In the case of the Presbyterian Church in the United States of America against Rev. Henry Preserved Smith, D.D., being the Appeal to the General Assembly from the decision, action and judgment of the Synod of Ohio, rendered October 13, 1893, we have examined the Papers and conferred with the parties.

We find that the appellant is Rev. Henry Preserved Smith, D.D., and as such appellant he has the right to appeal to the General Assembly, the case being one of that nature in which the Appeal may be taken to the highest court of the Church, and we find that the Committee to conduct the prosecution appointed by the Presbytery of Cincinnati, in which Presbytery the case arose, has the right to conduct the prosecution, and hence to appear for the Presbyterian Church, the appellee in this court. —1894, p. 90.

13. If one, who considers himself slandered; requests an investigation which a judicatory finds it proper to institute, one or more of its members shall be appointed to investigate the alleged slander, and make report in writing: and a record thereafter made may conclude the matter.

1. Such investigation is at the discretion of the Presbytery, subject to review as to misuse or abuse.

[Note.—See p. 635, 13.]

A *Complaint* of Rev. Arthur Crosby *vs.* the Synod of Long Island. Mr. Crosby complains against the action of the Synod of Long Island, October 19, 1880, in adopting the following resolution, viz.:

Whereas, The decision of the Presbytery of Brooklyn, referred to in the Complaint of Rev. Arthur Crosby and others, relates to a matter which it belonged to the Presbytery to determine; and,

Whereas, This decision is not for this reason a legitimate ground of complaint, or a proper subject of review by the Synod on complaint; therefore,

Resolved, That the Complaint be dismissed.

Your Committee find the Papers in order. But recommend that the Complaint be dismissed, for the following reasons, viz.:

1. That, upon the facts stated by the Presbytery as the basis of its action, the question, whether the investigation asked for should be entered upon or not, was one to be determined in the exercise of a sound discretion on the part of the Presbytery (Book of Discipline [Old], Chap. iii, Sec. vi).

2. That while the misuse or abuse of discretionary power is reviewable, its use, in this instance, seems to have been in regard to a subject fairly within its range, and unobjectionable in its manner.—1881, p. 586.

14. Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit toward the accused, or who is not of good character, or who is himself under censure or process, or who is personally interested in any respect in the conviction of the accused, or who is known to be litigious, rash, or highly imprudent.

1. Admonition to prosecutors.

And the Assembly judge it more necessary to admonish Mr. Galbraith, and all those who have been and now are connected with him in any controversy with Mr. Balch, not to cherish a spirit of litigation, malevolence and discord equally contrary to the general tenor of the Gospel and to the peace and harmony of that branch of the Church with which they are connected; in particular that they withdraw, agreeably to their engagements to the Synod of the Carolinas, the civil suits which they have commenced, and comply with the whole recommendation of the Synod on that subject. On the whole, the Assembly hope and trust that all the parties in this concern will feel the solemn obligations which lie upon them as professed disciples of the meek and lowly Jesus not to indulge a rancorous spirit, nor to rend and divide his Church by the indulgence of a haughty, uncomplying and unforgiving temper, but to unite mutually and cordially in endeavoring to close the wounds which they have unhappily opened, over which they have so much reason to mourn, and which we exhort and conjure them not to aggravate, but by every gentle and tender application to endeavor to heal.—1798, p. 159.

15. Any person who appears as a prosecutor, without appointment by the judicatory, shall be warned before the charges are presented, that, if he fail to show probable cause for the charges, he must himself be censured, as a slanderer of the brethren, in proportion to the malignancy or rashness which may appear in the prosecution.

1. Failure to show probable cause for charges involves censure for slander.

a. An *Appeal* by Mr. William L. McCalla from a decision of the Synod of Kentucky, in which decision the Synod declared, that Mr. McCalla had failed to prove certain charges which he had brought against the Rev. James Blythe, was resumed.

Resolved, That the judgment of the Synod of Kentucky, with respect to the charges brought by Mr. William L. McCalla against the Rev. James Blythe, be, and it hereby is, affirmed.—1815, p. 596.

b. The *Complaint* of J. W. Davidson, W. C. Koons and J. McElhinny, against the Synod of Baltimore.

This case originated in the Presbytery of Carlisle, as the result of the trial of a minister, by which the complainants were severely censured for presenting a certain Paper containing allegations against the character of the said minister, which allegations, though not tabled as charges, were adjudged to be slanderous.

The parties censured complained to the Synod of Baltimore, and the Complaint was "sustained in part," by a vote of 17 to 12.

The Synod, in its final Minute, still inflict a modified censure, of which the said Davidson, Koons and McElhinny complained to the last General Assembly. This last Complaint was laid over to this Assembly, to enable the complainants to correct an informality; which they have since done.

The Committee report the case in order, and recommend that it be taken up according to the directions of the Book of Discipline.

The Committee recommend, that the only part of the Record to be read in evidence be the Paper originally read to the Presbytery of Carlisle, at Newville; and this may be waived by the parties agreeing; that the Paper contains charges, which, if true, would be scandalous. This recommendation is based on the following reasons:

I. That it is found by the Synod, in their judgment, that the Paper presented by complainants was so presented by them without their being prepared to table charges, or to appear as prosecutors, and that they refused to appear as accusers after having presented such a Paper.

II. In the Complaint presented to us, these findings of the Synod are admitted, in that the complainants allege (as the ground of their Complaint in this regard) that the Synod decided that the Paper presented at Newville by the complainants, was of such a character that it should not have been presented, unless the parties presenting it were prepared to table charges upon it; when, in fact, as they allege, it was but an offer to aid Presbytery in investigating the difficulty in the congregation of Big Spring, to which complainants belonged, and not as the ground of charges. Thus it will be seen that they not only admit such findings of the Synod, but distinctly allege another and different reason in justification of such presentation, viz., that it was but an offer to aid Presbytery, etc.

III. If it be claimed, on the second ground of appeal, that the testimony adduced on the original trial be read before the Assembly, then we say that it should not be read, for the following reasons:

1. The accused minister, after a trial (declared by the Synod to be fair and impartial) was acquitted by the Presbytery, and no Appeal was taken from such judgment of acquittal; so that the same thereby long since became final and absolute, and this Assembly has no power to reverse this judgment of the Presbytery, for the purpose of relieving these complainants from the censure of the Synod; to do so would be to pronounce two conflicting and contrary judgments upon the same evidence.

2. Because it has been already adjudicated, in the case of William S. McDowell (Assembly's *Digest*, Baird, rev. ed., p. 159), that "no discussion ought to be allowed (involving the character of an absent person) in his absence," much more should this rule be applied to the exclusion of the remaining Record, in this case, from its peculiar character, and all the circumstances attending it.

Resolved, That the Judgment of the Synod of Baltimore be sustained *pro forma*, and the Paper of E. Thompson Baird be admitted to Record. —1860, pp. 31, 35, O. S.

2. The character of one absent and not on trial—not to be impeached.

Resolved, That no discussion ought to be allowed which may involve the character of Mr. McDowell in his absence.—1823, p. 74.

3. Censure for slander may not be inflicted upon a private prosecutor unless the case be fully issued.

In the *Complaint* of John Mack *et al.* against a decision of the Synod of Illinois, the Assembly, *inter alia*, declare: The action of the Presbytery upon a certain resolution was extrajudicial.

Our Book of Discipline (Old), Chap. v, Sec. vii, pronounces a man a slanderer who, on trial, fails to make good his charges.

S. L. Hobson was censured as a slanderer without the court reaching by trial the point contemplated by our Book.—1867, p. 355, O. S.

[Note.—The revised Book of Discipline directs censure for slander only when the prosecutor fails to show probable cause, as in Sec. 14, above, p. 557.]

4. Risk incurred in prosecuting without appointment.

Overture 148, from the Presbytery of Cleveland, asking a judicial interpretation or decision relative to the right of a member of any Presbytery to prefer charges against a member of another Presbytery without first having submitted his case to the Presbytery of which he is a member and within whose bounds alleged offenses are said to have been committed. The answer to this *Overture* recommended is that the Book of Discipline, Chapter ii, Section xv, fully covers the petition made, and therefore no answer is necessary.—1922, p. 200.

CHAPTER III.

OF CHARGES AND SPECIFICATIONS.

16. The charge shall set forth the alleged offence; and the specifications shall set forth the facts relied upon to sustain the charge. Each specification shall declare, as far as possible, the time, place, and circumstances, and shall be accompanied with the names of the witnesses to be cited for its support.

1. The charge must be specific.

Mr. Ewing complains against the Commission that they received charges against him which were vague and indeterminate. The Synod agrees that these charges were rather deficient in point of speciality, but are of opinion that the Commission acted with prudence and integrity in receiving said charges, inasmuch as they endeavored to reduce them to a specialty, and as Mr. Ewing submitted so far as to plead to them, and as the particular circumstances of the First and Third Presbyterian congregations in Philadelphia were viewed by them as so critical as in their judgment required an immediate discussion of the affair.

Yet the Synod orders that all their judicatures shall for the future be particularly careful not to receive or judge of any charges but such as shall be seasonably reduced to a specialty in the Complaint laid before them.—1770, p. 406.

2. All charges in cases of heresy should be as definite as possible.

a. There was a great deficiency in the charges preferred against Mr. Craighead as it relates to precision. All charges for heresy should be as definite as possible. The article or articles of faith impugned should be specified, and the words supposed to be heretical shown to be in repugnance to these articles, whether the reference is made directly to the Scripture as a standard of orthodoxy, or to the Confession of Faith, which our Church holds to be a summary of the doctrines of Scripture. But in none of the charges against Mr. Craighead is this done, and in two of them (third and fourth) it would be very difficult to say what articles of faith are supposed to be contravened in the errors charged on Mr. Craighead. And the last two charges appear to be so vague and indefinite as to be incapable of proof. In the fifth Mr. Craighead is charged with perverting, etc., the sentiments of the preachers and writers in our connection. Now, in our connection there are a multitude of preachers and writers differing by many shades of opinion from each other. How, then can this be a just ground of accusation? In the sixth he is charged with the false coloring of facts, etc. But no facts are established by evidence, none are specified in the charge; and to make it a just ground of accusation, it ought to have been a designed and malicious discoloring of the facts, etc. —1824, p. 121.

b. The Assembly would further advise that all the charges against Mr. Spillman which may be wanting in definiteness be made, if practicable, more specific, so that they may be conformable to the directions of the Book of Discipline.—1860, p. 46, O.S.

[Note.—See for formal charges, cases of Charles A. Briggs and Henry P. Smith, *Digest*, 1930, Vol. II, pp. 305–316; 316–323.]

3. If charges be presented must the accused be tried?

When charges have been received as in order and proper for the cognizance of the Judicatory, they cannot be ignored, but the Judicatory should proceed "to try or formally dismiss the charges."—1874, p. 46.

That the action of the Synod in reference to the Case of the Rev. N. West, D.D., against the Rev. B. P. Aydelotte, D.D., was both insufficient and unjust. The action referred to is the first exception to the Minutes of the Presbytery of Cincinnati, adopted November 20th, 1877, and is as follows: "The Presbytery seems to have gone to the extreme of leniency in being satisfied with Dr. B. P. Aydelotte's explanation of an article published in the *Christian Press* of May, 1876, which Dr. N. West deemed slanderous, and for which he tabled charges against the author. We do not mean to say that judicial process should have been instituted, but we think Dr. Aydelotte should have been exhorted to be more careful in publishing articles capable of so offensive a personal interpretation." The Synod, in view of their own declarations, should either have directed the Presbytery to entertain the charge of Dr. West, or to have adopted a minute declaring him free from the imputations of published articles which they declared capable of an "Offensive personal interpretation," especially in view of the complete vindication of Dr. West by the Presbytery a few weeks before.—1878, p. 117.

17. A charge shall not allege more than one offence; several charges against the same person, however, with the specifications under each of them, may be presented to the judicatory at one and the same time, and may, in the discretion of the judicatory, be tried together. But, when several charges are tried at the same time, a vote on each charge must be separately taken.

[NOTE.—See this *Digest*, Book of Discipline, Chap. iv, Sec. 24, p. 571.]

18. In all cases of alleged personal injury, where the prosecution is by the injured person or persons, the charge must be accompanied by an averment, that the course prescribed by our Lord, Matt. xviii: 15–17, has been faithfully tried.

[NOTE.—See above, p. 554, 9.]

CHAPTER IV.

OF PROCESS: GENERAL RULES PERTAINING TO ALL CASES.

19. Original jurisdiction, in relation to Ministers, pertains to the presbytery; in relation to others, to the session. But the higher judicatories may institute process in cases in which the lower have been directed so to do, and have refused or neglected to obey.

[NOTE.—As adopted in 1884, after the word "ministers" were the words "and acting ruling elders," which were stricken out.—1885, p. 601.]

1. Teachings of Dr. A. C. McGiffert referred to the Presbytery of New York as the body having primary responsibility.

The Standing Committee on Bills and Overtures presented the additional Report in the matter of the teachings of the Rev. A. C. McGiffert, D.D., as follows:

We recommend that the whole matter of the teachings of the Rev. A. C. McGiffert, D.D., in his book entitled *A History of Christianity in the Apostolic Age*, be referred to the Presbytery of New York, to which belongs the primary Constitutional responsibility, for such disposition as in its judgment the peace of the Church and purity of doctrine may require.

A minority Report signed by eight members was also presented, and, after full consideration, the Report of the Committee was adopted by a decided majority, and on motion the vote was made unanimous.—1899, p. 98.

20. When a judicatory enters on the consideration of an alleged offence, the charge and specifications, which shall be in writing, shall be read; and nothing more shall be done at that meeting, unless by consent of parties, than to furnish the accused with a copy of the charge and specifications, together with the names of all the witnesses then known

to support each specification; and to cite all concerned to appear at a subsequent meeting of the judicatory, to be held not less than ten days after the service of the citations. The citations shall be signed, in the name of the judicatory, by the Moderator, or Clerk; who shall, also, furnish citations for such witnesses as either party shall name. The accused shall not be required to disclose the names of his witnesses.

1. Censure without trial is unconstitutional.

a. *Resolved*, As the sense of this house, that no man or body of men, agreeably to the Constitution of this Church, ought to be condemned or censured without having notice of the accusation against him or them and notice given for trial; and therefore, that if the General Assembly of last year meant by the Minute in question to pass a censure on the Presbytery of Lewes, it was informal.—1793, p. 71.

b. There was an error in the Synod of North Carolina in expressing a judicial opinion in relation to charges against Mr. Davies which did not come before them.—1849, p. 264, O. S.

2. A judicatory may not suspend without trial.

a. The Committee appointed to examine the Records of the Synod of the Carolinas reported, and the book was approved, with the exception of the resolution to make a minister liable to suspension without trial for three years' absence from Synod, without sending forward his reasons for absence.—1811, p. 468.

b. *Judicial Case No. 10.* The Judicial Commission appointed by the General Assembly, to whom was referred the Appeal of the Rev. Moses Bercovitz from the action of the Synod of New Mexico directing the Presbytery of Rio Grande to suspend him from the ministry, took the following action:

They entertained the Appeal, heard representatives of the parties, and decided as follows:

The Synod of New Mexico erred in directing the Presbytery of Rio Grande to suspend the Rev. Moses Bercovitz without formal trial, and the suspension of the Rev. Moses Bercovitz by the Presbytery, in compliance with the order of the Synod, is hereby reversed; and the Synod of New Mexico is directed to instruct the Presbytery of Rio Grande to take such action in the premises as will secure the interests of religion, the good order of the Church, and full justice to all parties concerned.—1899, p. 127.

[Note.—See also Bose Case, this *Digest*, Book of Discipline, Sec. 59, p. 596.]

3. Censure upon an absent person without citation disapproved of.

The Assembly, moreover, cannot forbear expressing their regret that the Presbytery of Washington should have passed a vote of censure upon Mr. McCalla without citing him to appear before them or giving him any opportunity of making a defense, since this mode of proceeding seems to have occasioned a portion of the irregularity in the Presbytery of West Lexington, of which the Presbytery of Washington have complained.—1821, p. 21.

4. Exclusion from the pulpit or from communion may not be without trial and conviction.

Whereas, It appears from Memorials sent up to this Assembly, that several of our Presbyteries have adopted resolutions excluding slaveholders from their pulpits and from their communion; and,

Whereas, Our Constitution requires that no members of the Presbyterian Church shall be thus disfranchised without a regular trial and conviction, . . . therefore,

Resolved, That the said Presbyteries be requested to rescind such resolutions.—1840, p. 24, N. S.

5. The accused may not be required to declare what he expects to prove by his witnesses.

The Judicial Committee, in reference to the case of J. H. Spillman against the Synod of Kentucky, recommend to the General Assembly the adoption of the following Minute disposing of the same:

While this General Assembly do not undertake to reverse the decision of the Synod of Kentucky against Mr. J. H. Spillman, it cannot be doubted—for it is admitted by the Synod's and the Presbytery's representatives here—that there were some informalities in the proceedings of the lower courts against Mr. Spillman, which this General Assembly is bound to disapprove; in particular, that the Session had no right to insist upon Mr. Spillman's making known beforehand what he expected to prove by his witnesses as the condition upon which he should be allowed to proceed in the examination.—1860, p. 45, O. S.

21. Citations shall be served personally, unless the person to be cited cannot be found, in which case the citation shall be sent to his last known place of residence; and, before proceeding to trial, it must appear that the citations have been served.

22. If an accused person refuses to obey a citation, a second citation shall issue, accompanied by a notice that, if he do not appear at the time appointed, unless providentially hindered, he will be censured for his contumacy, according to the subsequent provisions of the Book of Discipline. (*See Sections 33, 38, and 46.*) If he does not then appear the judicatory may proceed to trial and judgment in his absence; in which case it shall appoint some person to represent him as counsel. The, time allowed for his appearance, on any citation subsequent to the first, shall be determined by the judicatory, with proper regard for all the circumstances. The same rule, as to the time allowed for appearance, shall apply to all witnesses cited at the request of either party.

1. Contumacy not to be hastily inferred. One may excuse himself by letter.

In the progress of this case, the Presbytery proceeded regularly to cite the accused, once and again; and upon his not appearing, they proceeded to the trial, and having gone through the evidence they referred the whole to the Synod to adjudicate upon it, with the expression of their own opinion that Mr. Craighead ought to be suspended. The Synod met immediately after Presbytery, and took up the case, and, in concurrence with the opinion of the Presbytery, suspended Mr. Craighead from the Gospel ministry.

In this proceeding the General Assembly are of opinion that there was too much haste. Mr. Craighead was not guilty of contumacy, for he wrote two letters to the Presbytery excusing himself for non-attendance; and if he had been guilty of contumacy, he ought to have been suspended on that ground.—1824, p. 121.

2. Contumacy not to be charged on first citation.

The Assembly sustained the Appeal of Mr. Arthur from the sentence of the Presbytery, by which he was suspended from the Gospel ministry on the ground of contumacy, because the Presbytery appear to have been precipitate, and not to have observed the Constitutional rules. They deem, too, the request of Mr. Arthur for a copy of the first sentence to have been reasonable, and that it ought to have been complied with.—1822, p. 53.

[Note.—See below, Book of Discipline, Chap. iv, Secs. 34 and 39.]

3. Contumacious person may be restored on submission.

The Committee to whom was referred the Appeal of Mrs. Maria Hill from the decision of the Synod of Albany, at their stated meeting at Catskill, in her case respectfully report:

That after examining the documents presented, and hearing the statements of the parties, by themselves or counsel, your Committee are satisfied that substantial justice has been done in their case.

The alleged irregularities in the lower judicatories, which are complained of, are of a technical character, or caused by the course pursued by the appellant or her agents. She could, at any time, have arrested the proceedings and prevented conviction of contumacy, by submitting to the authority of her Session, and answering their citations; and can now, at any moment, reverse the sentence and be restored, in the manner provided by the tenth Section of the fourth Chapter of our Book of Discipline (Old).

Your Committee, therefore, recommended that the Appeal of Mrs. Maria Hill be not sustained. Adopted as the decision of this Assembly.—1864, p. 504, N. S.

4. To proceed in the absence of the accused, without a second citation, irregular; but the right to complain waived by appearing afterward and pleading.

An *Appeal* of Mr. William McElwee from the action of the Synod of Toledo, for sustaining the Presbytery of Maumee in refusing to furnish him with the usual letter of good standing and transfer to the Presbytery of Philadelphia. The Committee report that it appears from the Papers put in their hands that Mr. McElwee was charged with a heinous crime, of which he made a written confession; that the Presbytery took action upon this charge, and issued a citation for Mr. McElwee to answer to it, the same being sent to him through the post office. When the Presbytery met, the accused did not appear, but this written confession was presented, together with testimony that it was signed by him in the presence of witnesses, and with the understanding that it was to be made use of in the Presbytery. Under the circumstances the Presbytery judged that it was not necessary to cite him a second time, but thought themselves authorized to proceed as though he had been present. They therefore proceeded, deposed Mr. McElwee from the ministry, and suspended him from the Church. Some time after this Mr. McElwee asked the Presbytery to remove his deposition, restore him to his former good standing and dismiss him to another Presbytery. He asked this on the ground that he was deeply penitent for the sin of which he had been guilty; and the request was concurred in by several other persons.

The Presbytery refused to restore him, and this action the Synod sustained. Mr. McElwee complains that the Presbytery adjudicated the case in his absence and without a second citation. The Committee are of the opinion that the Presbytery acted irregularly in disposing of this case in the absence of the complainant and without a second citation. But they are of the further opinion that the complainant waived his further right to complain by afterward appearing before the Presbytery, confessing his guilt, and asking to be restored. And while a sentence of deposition from the Gospel ministry and suspension from the communion of the Church may be removed upon evidence of repentance, of the genuineness of such repentance the Presbytery alone are to judge. Nor is there any evidence that the Presbytery misjudged. The Committee recommend that the case be dismissed.—1875, pp. 511, 512.

5. In the absence of the accused, counsel must be assigned.

But the *Appeal* from the first sentence, by which the charge of slander preferred against him by the Rev. Joshua L. Wilson was declared to be substantiated and Mr. Arthur required to submit to a rebuke, the Assembly could not sustain. For, although the Assembly noticed the omission of Presbytery to assign Mr. Arthur counsel to manage his defense [see Book of Discipline (Old), Chap. iv, Sec. xiii], yet they did judge the pamphlet, of which Mr. Arthur admitted himself to be the author, to contain slander against Mr. Wilson, and could not but disapprove of the spirit under the influence of which it appeared to have been written.—1822, p. 53.

[Note.—See below, Book of Discipline, Sec. 27, p. 574.]

6. When the judicatory has taken the testimony as above, it may proceed to trial and final judgment as if the accused were present.

[Note.—The Assembly of 1865 (N. S.) appointed a Special Committee—Rev. Samuel W. Fisher, D.D., Rev. Thomas Brainerd, D.D., Rev. Ezra E. Adams, D.D., Hon. William Strong, LL.D., and Hon. Joseph Allison, LL.D.—to Report to the next Assembly. See *Minutes*, 1865, p. 49. Their Report was presented the next year and was adopted. The principles of this deliverance are affirmed in this *Digest*, last clause of Sec. 22, p. 563.]

The undersigned, a Special Committee, to whom was referred *Overture No. 14* by the General Assembly of 1865, together with the Report of a former Committee thereon, and who were instructed to report to the present Assembly, respectfully submit the following:

The Overture is in these words: "When the judicatory have proceeded, in accordance with Chap. iv, Sec. xiii, of the Book of Discipline (Old), to take the testimony in the case of an accused person, may they proceed to pass judgment thereon as if he were present, or shall he be left simply under censure for contumacy?"

The question thus presented is exclusively one of power. It is not whether, in all cases, it is advisable that a Church judicatory should proceed to a final determination of the case; nor is it what has been the usage in some of the tribunals of the Church; but it is strictly, What does the Book of Discipline authorize? It is freely admitted that a long course of usage under a statute is no inconsiderable evidence of the meaning of that statute; but it must be a usage growing out of the enactment itself, and claimed to have been authorized by it. Mere neglect to exercise powers conferred is no proof that they were not granted. Had the fathers of the Church generally decided that, by the fourth Chapter of the Book of Discipline (Old), no power is recognized in a judicatory to proceed to the trial of an accused person when he has refused to obey its citations, that his contumacious refusal must arrest all steps to purify the Church of the offense charged, beyond taking evidence to prove that offense, and had such a construction of the Book been generally accepted, it ought to have weight in answer to this Overture. But there is no evidence that any such judicial construction has been generally given to the language of the Book. Undoubtedly there have been differences of opinion, and, possibly, it may have been decided in some judicatory, that jurisdiction over an offense charged is necessarily suspended, whenever an accused person disobeys the citations; but this is of little value in determining what the framers of the Book of Discipline meant by its directions respecting process, trial and judgment. It is much more important that, in certain cases, where the proof is clear, as where the accused has confessed his guilt, or where he has been convicted of violating the civil law and has absconded, church Sessions have been accustomed to proceed to trial and judgment, notwithstanding a refusal of the accused to appear in answer to citations. Such cases are judicial assertions of power, never denied, so far as we are informed.

But there is not enough in judicial decision or in authoritative usage to settle the question. After all, it must be answered from the Book; and the true inquiry is, What is the fair interpretation of the rules laid down in the fourth Chapter? A universally recognized rule of construction is that, when the purpose of a statute is clear, the means given for effectuating it are to be interpreted with reference to the purpose, and, if possible, so as to secure its accomplishment. Now the ends of discipline are clearly defined. They are declared, by the second Section of the first Chapter, to be the removal of offenses, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and also the benefit of the offender himself. The fourth Chapter contains the directions given to Church judicatories, by which these ends are to be secured. Manifestly, they were intended to be a complete and efficient system adequate to the purposes in view. If they fail of that, the avowed object of their framers is defeated. Then there is no power to remove an offense in any case where the alleged offender refuses to submit himself to trial. Plainly, it is the offense charged which is sought to be removed, either by bringing the offender to repentance, or by the judgment of the Church upon it, and ultimately, if necessary, removing the offender. It is from that offense the Church is to be purified, and the honor of Christ vindicated, for by that offense the evil has been done. Anything that comes short of discipline for that, fails of accomplishing the avowed purposes for which the directions of the fourth Chapter were prescribed. Contumacious disobedience of citations is another distinct offense, punishment for which is entirely collateral to discipline for the cause that induced the commencement of the process. It is contempt of the lawful authority of the Church, and suspension for it is summary punishment for the collateral offense alone. Neither directly nor indirectly is it an expression of opinion respecting the delinquent's guilt or innocence of the charge preferred originally against him. Suspension for contumacy would be proper, without regard to anything beyond it. It is quite conceivable that an accused person may willfully disobey citations and yet be innocent of the charges made against him. It certainly would be an anomaly in any judicial proceeding to hold that a penalty inflicted for a collateral offense vindicates the law against another and possibly much greater crime.

If, therefore, the defined ends of discipline are to be secured, a church Session must have power to proceed to trial and judgment, though the accused person refuse to obey the citations duly served upon him; and it is not to be concluded, without clear evidence, that means given to secure those ends are inadequate. When the meaning of the language used in the fourth Chapter is sought, the best guide to it will be found in the paramount intention the language was designed to subserve. The directions given must be construed consistently with the intention: to further rather than to defeat it. Looking then to the Sections of the fourth Chapter, and regarding them as part of a system designed for the purposes above mentioned, to be interpreted so as to harmonize with those purposes as well as with each other, the conclusion seems inevitable that whenever an accusation has been made against a church member, and a church judicatory has entered judicially upon its consideration and obtained jurisdiction by serving of citations upon him, it may go on to final judgment, though he refuses to obey the citations. It is observable that the entire fourth Chapter is but an outline of process. It does not undertake to prescribe minutely each step that may be taken. It does not even expressly authorize a judicatory to proceed to trial in any case. It rather assumes that, having taken judicial cognizance of the proceeding, the tribunal will go to trial and judgment. Like a writ of summons in a civil court, the citation is notice that the judicatory has assumed jurisdiction of the case, and that it will proceed to its final determination. When that notice has been given as prescribed, it is contemplated rather than expressly required that witnesses will be examined; that a trial will be proceeded with, and that a judgment will be given. All these things are implied from what is directed respecting them. They are not affirmatively enjoined or even permitted. Thus it is said, "witnesses shall be examined in the presence of the accused, or at least after he shall have received a citation to attend," and that he shall be permitted to ask any questions tending to his exculpation. This is a regulation of the mode of examination, not a direct gift of power to take testimony, yet the implication of power is irresistible. The fourteenth (20) Section prescribes certain things before proceeding to trial; and the fifteenth (23) declares that the trial shall be fair and impartial; but nowhere is it said there shall be a trial. The sixteenth (24) Section requires the judgment to be regularly entered on the Record; but no Section in words authorizes a judgment. Everywhere it is assumed that these successive steps in a judicial proceeding may be taken. It would be a rash conclusion from the absence of a specific grant of these powers to deny any right to take testimony, to try and to give judgment. The powers are not only to be implied, but they are comprehensively given by the general provision of the first Section, that "the judicatory shall judicially take the offence into consideration when all other means of removing it have failed;" and they are included also in the directions to issue citations. Nor is there any substantial distinction made between cases in which the accused yields obedience to the citations and those in which he is contumaciously disobedient. The thirteenth (21) Section is the only one that is supposed to make a difference. By that a second citation is required, to be accompanied with a notice, that if the person cited do not appear at the time appointed, the judicatory, "besides censuring him for his contumacy, will, after assigning some person to manage his defense, proceed to take the testimony in his case, as if he were present." It has sometimes been asked, if it was intended that the judicatory might proceed in such a case to final judgment, why was not notice required that they would thus proceed? Why limit the notice to taking testimony? These questions are easily answered. A notice that the judicatory will proceed to trial and decision would be unnecessary and superfluous. It has already been given in the assumption of jurisdiction over the case and in the citations; but notice of taking testimony is a different matter. Separate notice of that is generally given in all judicial proceedings. Its design is to give a party an opportunity to cross-examine the witnesses produced against him. And, as the judgment in all ecclesiastical courts must be founded upon evidence, as a judgment for default of appearance is not authorized, it is proper that the accused should have special notice of taking the testimony, though he may refuse to appear in answer to the citation. In fact, however, notice that the testimony will be taken is notice that the judicatory will go on with the trial; for taking testimony is a part of trial, its first stage. Undue inferences are therefore drawn from the form of the notice, if it is supposed to indicate that the proceedings are to stay when the testimony shall have been taken. At most, it raises but a very feeble implication that, because notice of one thing is required (a thing very peculiar in itself, and always demanding a special notice), therefore nothing else can be done. A similar mode of reasoning would render a trial in any case impossible.

Moreover, the thirteenth (21) Section affords strong affirmative evidence that a trial and judgment were contemplated by its framers, notwithstanding the refusal of the accused to obey the citations. The evidence is found in the notice that the judicatory will assign some person, not to appear for the accused at the examination of the witnesses, but to "manage his defense." The idea of defense in a judicial proceeding is inseparable from answer or trial. If, therefore, the non-appearing accused has a defense to be managed, he has an answer to be put in, a trial to undergo. Taking testimony in support of the accusation is no part of the defense. Cross-examination of the witnesses may be a part, but the appointee of the judicatory is to manage the whole.

It may also be argued that the provision for taking testimony at all, when an accused person fails to respond to the citation, implies that the case may proceed to a final determination. For what purpose take testimony if no action is to be based upon it? If it be said to preserve if for use when the accused, repenting of his contumacy, may choose to appear for trial, it may be answered that no such purpose appears in the book. None of the provisions usual, when the object sought to be accomplished is the perpetuation of testimony, are even hinted at. By the sixteenth (24) Section the judgment is required to be entered upon the Records of the judicatory, but nothing is said of the preservation of unused evidence. It is not even required to be reduced to writing, unless demanded by one of the parties.

It may also be argued from the language of the fourteenth (20) Section that a trial for the offense charged is intended, though the citations have been disobeyed. In that section it is said that judicatories, "before proceeding to trial," "ought to ascertain that their citations have been duly served on the persons for whom they were intended," If a person cited is in attendance, nothing is to be ascertained respecting the service of the citation. It is plain, therefore, that this injunction refers mainly at least to proceeding to trial of an absent accused, and it assumes that the judicatory will, after having assured itself of the service of the citations, go on to adjudicate the case. This Section is susceptible of no other meaning.

A similar implication is found in the next Section, the fifteenth (23) which declares that "the trial shall be fair and impartial," and that "the witnesses shall be examined in the presence of the accused, or, at least, after he shall have received due citation to attend." This is a regulation of the mode of trial, and it is expressly made applicable both to cases where the accused yields obedience to the citation and to cases where he does not. With these harmonize the sixteenth (24) Section, which assumes that there will be a judgment, and the seventeenth (34), nineteenth (30) and twentieth (34) Sections, prescribing the discipline to be administered in the event of conviction. The last of these directs excommunication in certain cases. Its fair interpretation evidently is that the ground for such extreme action is not contumacy in disobeying process, but the gross offense charged, to answer for which the accused had been cited.

Taking all these Sections into consideration, and regarding them as parts of one system, as having reference to the same subject matter and designed to secure the ends avowed, the Committee are constrained to regard them as applicable to the course of proceeding through all the stages of trial alike in cases where the accused does not appear in obedience to the citations as when he does. In both the judicatory is empowered to proceed to trial and to final judgment.

To this conclusion an objection has sometimes been urged that at first mention seems to have some plausibility. It is that trial of a person in his absence and the rendition of judgment against him are in conflict with common right and justice; that even criminal courts in State governments do not try offenders in their absence, and that ecclesiastical courts ought to avoid *ex parte* proceedings. The objection aims less at the power of a judicatory, as recognized by the Book of Discipline, than it does at the policy of exercising it. But it misapprehends what are acknowledged common right and justice, what are the proceedings of courts of law and equity in analogous cases, and what are *ex parte* proceedings. Nowhere is it held that a man may not deny himself his plainest rights. While he may not be tried for an alleged offense without having an opportunity to be heard, he has no just cause to complain of a trial to which he has been summoned by a tribunal having jurisdiction, and which he has persistently refused to attend. In such a case it is he who throws away his own rights. They are not taken from him. This is a principle universally recognized in courts of civil law and of equity, and such courts go farther. They construe a refusal to obey process requiring an appearance as a substantial confession of the complaint, and they render judgment accordingly. It is true, State courts having criminal jurisdiction do not try persons for crimes and misdemeanors in their absence. This is for two reasons: They have power to compel attendance, which ecclesiastical courts have not; and the punishments they inflict affect the life, the liberty or the property of the convicted criminal. In fact, they concern the life or the liberty of the accused; for even if the penalty be only a fine, its payment is usually enforced by detention in custody until satisfaction be made. But ecclesiastical tribunals can pronounce no judgment that touches either the life, the liberty or the property of the accused. Their sentences are peculiar. Indeed, it is asserting a false analogy to assimilate a trial before a church Session to an indictment and trial in a criminal court. It bears a much stronger resemblance to proceedings very common in courts of law, in which members of associations or corporations are called upon to respond for some alleged breach of corporate duty, for which they are liable to be punished by the imposition of penalties, or by amotion from membership. In such cases, when the person summoned refuses to obey the mandate of the writ, courts proceed at once to dispose of his case and render final judgment. No one ever supposed that by so doing injustice was done or that any right of the accused was invaded. Much less can he complain who has been cited to answer an accusation taken into judicial cognizance by a Church judicatory and who has contumaciously refused to obey the citation, if the tribunal proceed to try the case, presuming nothing against him but contumacy from his refusal, but founding its judgment solely upon the testimony of witnesses. This objection, therefore, when examined, appears to be without substance.

In conclusion, it remains only to recommend, as the opinion of the Committee, that the Overture be answered by a declaration of the Assembly that in the case proposed the judicatory may proceed to trial and final judgment as if the accused were present.—1866, pp. 283–288, N. S.

23. At the meeting at which the citations are returnable, the accused shall appear, or, if unable to be present, may appear by counsel. He may file objections to the regularity of the organization, or to the jurisdiction of the judicatory, or to the sufficiency of the charges and specifications in form or in legal effect, or any other substantial objection affecting the order or regularity of the proceeding, on which objections the parties shall be heard. The judicatory upon the filing of such objections shall, or on its own motion may, determine all such preliminary objections, and may dismiss the case, or permit, in the furtherance of justice,

amendments to the specifications or charges not changing the general nature of the same. If the proceedings be found in order, and the charges and specifications be considered sufficient to put the accused on his defence, he shall plead "guilty," or "not guilty," to the same, which shall be entered on the record. If the plea be "guilty," the judicatory shall proceed to judgment; but if the plea be "not guilty," or if the accused decline to answer, a plea of "not guilty" shall be entered of record and the trial proceed.

1. Judicial cases should be continued without interruption for the order of the day.

The Judicial Committee recommend this Assembly to adopt the rule of the last General Assembly (*Minutes* of 1864, p. 321), as follows:

Whereas, In the experience of this General Assembly and others the confusion arising from the frequent interruption of important business by other items of business wholly disconnected has greatly hindered the satisfactory interest and understanding of the members, as well as protracted our proceedings; therefore,

Resolved, That it be made a Standing Rule of the Assembly that all judicial cases be continued without interruption during the sessions of the day, after the Assembly shall have entered upon them, according to appointment, for the order of the day.—1865, p. 535, O. S.

[NOTE.—This is the usage of the Assembly.—1892, p. 118; 1893, p. 70.]

24. The witnesses shall be examined, and, if desired, cross-examined, and any other competent evidence introduced, at a meeting of which the accused shall be properly notified; after which new witnesses and other evidence, in rebuttal only, may be introduced by either party. But evidence, discovered during the progress of the trial, may be admitted, in behalf of either party, under such regulations, as to notice of the names of witnesses and the nature of the proof, as the judicatory shall deem reasonable and proper; and then the parties themselves shall be heard. The judicatory shall then go into private session—the parties, their counsel, and all other persons not members of the body, being excluded, when, after careful deliberation, the judicatory shall proceed to vote on each specification and on each charge separately, and judgment shall be entered accordingly.

1. The withdrawal of parties, counsel, etc., construed literally.

a. The *Appeal* of Mr. Joseph E. Bell, from a decision of the Presbytery of Concord, suspending him from the office of the Gospel ministry, was taken up.

The appellant having requested that some person may be appointed to manage his Appeal, the Rev. N. S. S. Beman was accordingly appointed.

The decision of the Presbytery appealed from, the reasons assigned by the appellant for his Appeal, which were on record, and the whole Record of the proceedings of the inferior judicatory in the case were read.

After which, Mr. Beman, on behalf of Mr. Bell, was heard. The Presbytery of Concord was then heard by its delegate, in explanation of the grounds of its decision.

Mr. Beman and the delegate from Concord then withdrew. The roll was then called, to give each member an opportunity to express his opinion; after which the final vote was taken, and the Appeal of Mr. Bell was sustained.—1828, p. 238; see also 1836, p. 265.

b. The Moderator having decided that the rule requiring the parties to withdraw should be understood in the obvious and literal sense, an Appeal was taken from his decision, and the decision was sustained by a large majority.—1848, p. 40, O. S.

c. *Judicial Case No. 2* was resumed, and the roll was called for an expression of opinions, the parties, with the appellant's counsel, having withdrawn from the house.—1849, p. 262, O. S.

d. The Records of the Synod of Georgia were approved, with the exception that on p. 337 we have the following Minute: "That the rule in the Book requiring the members of the inferior judicatory to withdraw from the house be understood metaphorically, and that the rule be understood as fully complied with, by excluding the Flint Presbytery from any further participation in the discussion, and from voting in the case." —1858, p. 289, O. S.; see also 1858, p. 296, O. S.; 1859, p. 546, O. S.

2. Exclusion of stenographer of the accused questionable.

That the act of the Session excluding the stenographer, even if it were within the ultimate prerogatives of the court, was of very questionable wisdom, as well as of dangerous precedent, in reference to the rights of respondents at their bar.—1839, N. S.; reprint, p. 64.

3. Testimony not on record admitted by consent.

a. The following Papers were offered and ordered to be entered on the *Minutes*, viz.:

I offer to the Assembly the Paper called "An Appendix," as the Records furnished by the Presbytery in my case, and request that it may be read as containing evidence which was before the Presbytery, and which was not before the Synod.

ALBERT BARNES.

The prosecutor in the case of Mr. Barnes, and the Committee appointed by the Synod of Philadelphia, to defend their decision in the same case, hereby agree to the introduction of a document entitled "An Appendix," etc. Not, however, as a part of the Records of the inferior judicatory, but as testimony adduced by the appellant to substantiate any statement which he has made, or may yet make.

GEORGE JUNKIN, S. G. WINCHESTER,
G. W. MUSGRAVE, DAVID MCKINNEY,
Committee of Synod of Philadelphia.

The document called the Appendix, numbered from pp. 1 to 58 inclusive, containing the trial, testimony of the parties, Junkin and Barnes, and final decision of the Second Presbytery of Philadelphia, in the said case of Junkin and Barnes, was read.—1836, p. 256.

b. The decision of the Synod of New Jersey, of which J. Kirkpatrick and others complain, was read, together with the complainants' reasons of complaint. The Records of the Synod in the case were read, and it was moved to read a Paper which was not before the Synod, but was admitted by the parties to be an original Paper. After debate it was agreed by the court that the Paper offered this morning be read, which was done.—1841, p. 428, O. S.

25. The charge and specifications, the plea, and the judgment, shall be entered on the minutes of the judicatory. The minutes shall also exhibit all the acts and orders of the judicatory relating to the case, with the reasons therefor, together with the notice of appeal, and the reasons therefor, if any shall have been filed; all which, together with the evidence in the case duly filed and authenticated by the Clerk of the judicatory, shall constitute the record of the case; and, in case of a removal thereof by appeal, the lower judicatory shall transmit the record to the higher. Nothing which is not contained in the record shall be taken into consideration in the higher judicatory.

[NOTE.—See above, pp. 572, 3, a; 573, 3, b.]

1. Everything influencing the judgment of the judicatory must be spread upon the Records.

The Synod of Illinois have not discharged their duty. They ought to have spread upon their Record everything which influenced their judgment in the case, and also to have sent to this Assembly authentic copies of the whole proceedings, with all the documents which had been regularly before them.—1840, p. 302, O. S.

2. Minutes of interlocutory meetings in judicial cases should be recorded; also Report of Judicial Committee in the case.

The Presbytery of Louisiana should have recorded the results of the interlocutory meeting referred to in the Complaint. The Synod acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the Report of the Judicial Committee on the Complaint of Rev. Mr. Smylie.

The Synod should have placed on its Records the above-mentioned Report.—1850, p. 481, O. S.

3. Reasons not recorded and Records deficient. Case remanded.

a. A *Complaint* of Rev. Edward Graham and others against the Synod of the Pacific.

It appears that, at its meeting, June 12, 1880, the Presbytery of San Francisco received from the Rev. John D. Strong, one of its members, a letter dated January 7, 1880, saying: "I have determined to terminate my connection with your body. After more than fifty years of thought and study, and earnest desire to find the way of truth and duty, I have ceased to believe the doctrines of the Presbyterian Church, or to feel respect for its practical religion. For this reason I hereby withdraw from the Presbytery of San Francisco, and ask that my name be stricken from its list of members."

A Committee was appointed to confer with Mr. Strong, and, at an adjourned meeting of the Presbytery, no Report of the Committee appearing on the Records, a motion was adopted to drop the name of John D. Strong from the roll. For this action no reason is assigned by the Presbytery, as required (Book of Discipline [Old], Chap. iv, Sec. xxiii), nor was any Minute or judgment entered on the Records (Book of Discipline [Old], Chap. iv, Sec. xvi). Complaint against this action was made to the Synod of the Pacific. At its meeting, beginning October 7, 1880, the Synod proceeded to issue the Complaint. The Synod did not sustain the Complaint, but it put on record no reasons for its decision (Book of Discipline [Old], Chap. iv, Sec. xxiii), nor was any Minute or judgment entered (Book of Discipline [Old], Chap. iv, Sec. xvi).

Your Committee find the irregularities and deficiencies in the Records, both of the Presbytery and of the Synod, so great, and the information furnished by the Records of both bodies so meager, that, inasmuch as the appellate judicatories are confined to the Records, in their opinion it is impossible for the Assembly to come to any intelligent decision. They, therefore, recommend that the Complaint be referred to the Synod of the Pacific, with instructions to take such action in the premises as the interests of religion and the good order of the Church may seem to them to demand.—1881, pp. 586, 587.

b. Case ordered to a new trial because the reasons for the decision of Synod were not recorded according to the requisition in Chap. iv, Sec. xxiii, Book of Discipline (Old).—1861, p. 344, O. S.; 1874, p. 74.

[Note.—See also 1881, pp. 587, 588. Appeal of Rev. Harlan Peck against the Synod of the Columbia: sustained and the action of the Synod set aside, because "No formal action of the Synod was entered upon its Records, and no reason given." See also this *Digest*, p. 258; 1878, p. 60, the Records of Illinois Central censured, because, in issuing a Complaint, they failed to record the subject matter of the Complaint.]

26. Exceptions may be taken by either of the original parties in a trial, to any part of the proceedings, except in the judicatory of last resort, and shall be entered on the record.

27. Each of the parties in a judicial case shall be entitled to appear and be represented by counsel, and to be heard by oral or written argument. No person shall be eligible as counsel who is not a minister or ruling elder in the Presbyterian Church in the United States of America, and no person having acted as counsel in a judicial case shall sit as a judge therein. The counsel of the prosecutor in a judicial case where prosecution is initiated by a judicatory, shall be the prosecuting committee authorized to be appointed by section eleven* of this Book, and such other persons as may be appointed under the provisions of said section to assist the prosecuting committee. No person shall accept any fee or other emolument for any service rendered as counsel.

[Note.—In 1884, Sec. 26 was adopted as follows:

26. In cases of process in any judicatory, either party may be assisted by counsel, but such counsel shall be in full communion with the Presbyterian Church. Neither the counsel nor either of the parties shall be allowed to sit in judgment, or vote, in the trial of the case.

In 1865, Sec. 26 of the new Book of Discipline was amended by substituting in its place Chap. iv, Sec. xxi, of the old Book, the word "judicatory" being substituted for "court," as above.—1885, p. 601.]

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* Now section twelve.

1. Counsel assigned by request of the parties.

a. The *Appeal* and *Complaint* of Robert Finley and Smith Bloomfield against the Synod of New Jersey.

R. J. Breckinridge was allowed at the request of the former appellant to aid him in conducting his cause; and James Hoge and Nathaniel Hewitt were allowed at the request of Myron Barrett to aid him, in the absence of two other members of a Committee appointed by the Synod of New Jersey, to defend the Synod in this case.—1858, p. 286, O. S.

b. Rev. Dr. Humphrey, chairman of the Judicial Committee, reported *Case No. 5*, being a *Complaint* of William B. Guild against the Synod of New Jersey, and stated that the complainant requested the appointment of a member to take charge of his interests in the case. The Committee recommended the appointment of Rev. S. S. Sheddan, and he was appointed.—1863, p. 19, O. S.

c. In the absence of the appellant, counsel was appointed by the court. —1823, p. 72.

d. Elder J. R. Hogg, a member of the Assembly, was appointed counsel for A. G. McAuley, D.D., at the request of the appellant, in the matter of his Appeal from a decision of the Synod of Pennsylvania.—1896, p. 54.

28. Questions as to order or evidence, arising in the course of a trial shall, after the parties have had an opportunity to be heard, be decided by the Moderator, subject to appeal; and the question on the appeal shall be determined without debate. All such decisions, if desired by either party, shall be entered upon the record of the case.

29. No member of a judicatory who has not been present during the whole of the trial, shall be allowed to vote on any question arising therein, except by unanimous consent of the judicatory and of the parties; and, when a trial is in progress, except in an appellate judicatory, the roll shall be called after each recess and adjournment, and the names of the absentees shall be noted.

1. By consent, members who had been absent for brief periods allowed to vote.

The parties to the case consenting, the Assembly ordered that all members of the court who had been absent during the hearing for brief periods of time, and for sufficient reasons, should be permitted to vote.

The Rev. M. Henry Calkins, D.D., who had been necessarily absent during the greater part of the sessions of the court, was, at his own request, excused from voting.—1894, p. 96.

[Note.—Case of Henry P. Smith, D. D., see *Digest*, 1930, Vol. II, pp. 316-323.]

30. The parties shall be allowed copies of the record at their own expense; and, on the final disposition of a case in a higher judicatory, the record of the case, with the judgment, shall be transmitted to the judicatory in which the case originated.

1. Appellant entitled to a copy of the sentence.

They deem, too, the request of Mr. Arthur for a copy of the first sentence to have been reasonable, and that it ought to have been complied with. —1822, p. 53.

2. The Records of Church judicatories are public documents.

Overture from the Presbytery of Council Bluffs, asking whether a minister of the Gospel, once suspended, but afterward restored, may demand that the Records in his case be closed to inspection or transcript, when required by subsequent judicial proceedings by his own Presbytery.

The Committee recommended the following answer:

The Records of our Church courts are public and not private documents and therefore no one who has been under discipline can "demand" that anything pertaining to his case shall be "closed to inspection or transcript." Yet a wise Christian charity would suggest that, when the end of discipline in the restoration of an offender has been reached, no further publicity, if possible, should be given to the matter.—1879, p. 586.

3. Presbytery cannot be required to furnish Synod Record of case.

An *Appeal* of Robert J. Todd and others against the Presbytery of Boston; and

The second of these Papers, called an Appeal, complains of the action of the Presbytery of Boston in declining to give to the appellants full copies of all Records pertaining to the case, that had recently been decided by the Synod of New York, sitting at Ithica, October 22, 1903, and against which decision Messrs. Todd and others gave notice of Appeal to this Assembly. As the Appeal was against the action of the Synod, it is evident that the Presbytery could not be required to furnish the desired Records. We therefore recommend the dismissal of this Appeal.—1904, p. 84.

4. No time specified for furnishing Record of case.

A *Complaint* of Robert J. Todd and others against the action of the Stated Clerk of the Synod of New York.

With respect to the Complaint against the Stated Clerk of the Synod of New York for not furnishing full Records of the case to the appellants as soon as they desired to receive them, it may be said that there is no specified time within which he must comply with such a request (Book of Discipline, Sec. 30). And since the Stated Clerk furnished them about five months before the meeting of this Assembly, this must be judged to be a sufficient time.

We therefore recommend the dismissal of this Complaint.—1904, p. 85.

31. In the infliction and removal of church censures, judicatories shall observe the modes prescribed in Chapter XI of the Directory for Worship.

32. In all cases of judicial process, the judicatory may, at any stage of the case, determine, by a vote of two thirds, to sit with closed doors.

33. A judicatory may, if the edification of the Church demands it, require an accused person to refrain from approaching the Lord's Table, or from the exercise of office, or both, until final action in the case shall be taken; *provided*, that in all cases a speedy investigation or trial shall be had.

[NOTE.—See also Secs. 40, 46 and 47 below.]

1. The accused may be suspended pending the issuing of the case.

An inquiry from J. A. Clayton: *Whereas*, Our Book of Discipline (Old), Chap. v, Sec. ii, says, "The same general method, substituting Presbytery for the Session," is to be observed in investigating charges against a minister as are prescribed in the case of private members,—does this authorize the Presbytery to apply the principle contained in Chap. iv, Sec. xviii [now 19], to ministers against whom charges exist that cannot be seasonably tried, so far as to suspend them from the functions of the Gospel ministry until they can be tried? P. S.—If the above will not apply, what should a Presbytery do in the case?

The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That when charges are tabled against a minister, and it is impracticable at once to issue the case, the Presbytery has the right, if the interests of religion seem to demand the measure, to suspend him from the exercise of his ministerial functions until the case shall have been issued.—1848, p. 34, O. S.

2. Suspension from the ministry during process.

a. Overtured, that a Committee be sent to Rehoboth, in the affair between Mr. Clement and that people; and that Mr. Clement be suspended from the exercise of his ministry, until the determination of that Committee. This Overture was carried by a vote in the affirmative, *nemine contradicente.*—1720, p. 62.

b. On account of Mr. Miller's unjustifiable delay for some years to enter his Complaint before us, the irregularity of his proceedings during that time, and the atrocious nature of the crimes laid to his charge, we do hereby declare him suspended from the exercise of the ministerial office till his Complaint can be fully heard.—1769, p. 396.

3. Suspension from privileges of membership.

a. That as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly, therefore,

Resolved, That agreeably to a principle laid down, Chap. v, Sec. ix, of the Book of Discipline (Old), the members of said judicatories be excluded from a seat in the next Assembly until their case shall be decided. Adopted, yeas, 128; nays, 122.—1837, p. 425.

b. The Assembly of 1866 excluded the commissioners from the Presbytery of Louisville from a seat, until the Assembly should decide upon the conduct of their Presbytery.—1866, p. 12, O. S.

CHAPTER V.

SPECIAL RULES PERTAINING TO CASES BEFORE SESSIONS.

34. When an accused person has been twice duly cited, and refuses to appear, by himself or counsel, before a session, or, appearing, refuses to answer the charge brought against him, he shall be suspended, by act of session, from the communion of the Church, and shall so remain until he repents of his contumacy, and submits himself to the orders of the judicatory.

[NOTE.—See above, under Sec. 22, p. 563, for decisions on contumacy.]

35. The censures to be inflicted by the session are, Admonition, Rebuke, Suspension or Deposition from office, Suspension from the communion of the Church, and, in the case of offenders who will not be reclaimed by milder measures, Excommunication.

[NOTE.—See below, under Sec. 44.]

1. Censure is not to be removed without evidence of repentance.

The Assembly having heard the *Complaint* of the Presbytery of Carlisle against the Synod of Philadelphia in the case of William S. McDowell, with the facts and arguments offered both by the Presbytery and the Synod, judged that the Synod had a Constitutional right to reverse the decision of the Presbytery in the case, either in whole or in part, as to them might seem proper, but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution, inasmuch as it appears by their Records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

2. Deposition and excommunication, distinct acts.

a. The Records of the Synod of Geneva are approved, with the exception of a resolution, which declares that a deposed minister ought to be treated as an excommunicated person. In the judgment of this Assembly, the deposition and excommunication of a minister are distinct things, not necessarily connected with each other, but when connected, ought to be inflicted by the Presbytery, to whom the power of judging and censuring ministers properly belongs.—1814, p. 549.

b. *Resolved*, That though the causes which provoke deposition are almost always such as to involve the propriety of exclusion from the Sacraments, yet the two sentences are not essentially the same, the one having reference to office, and the other to the rights of membership; and, therefore, Presbyteries should be explicit in stating both, when they mean both. When, however, a Presbytery interpret deposition to involve suspension from the Sacraments, and pronounce the censure in that sense, the sentence obviously includes both.—1848, p. 34, O. S.

36. The sentence shall be published, if at all, only in the church or churches which have been offended.

CHAPTER VI.

GENERAL RULES PERTAINING TO THE TRIAL OF A MINISTER, ELDER, OR DEACON.

37. As the honor and success of the gospel depend, in a great measure, on the character of its ministers, each presbytery ought, with the greatest care and impartiality, to watch over their personal and professional conduct. But as, on the one hand, no minister ought, on account of his office, to be screened from the hand of justice, or his offences to be slightly censured, so neither ought charges to be received against him on slight grounds.

If a minister becomes a party to a suit for divorce, the Presbytery to which he belongs shall make judicial inquiry into the facts of the case, including the record in the civil court or courts, and its findings shall be spread upon the records.

38. If a minister be accused of an offence, at such a distance from his usual place of residence as that it is not likely to become otherwise known to his presbytery, it shall be the duty of the presbytery within whose bounds the offence is alleged to have been committed, if it shall be satisfied that there is probable ground for the accusation, to notify his presbytery thereof, and of the nature of the offence; and his presbytery, on receiving such notice, shall, if it appears that the honor of religion requires it, proceed to the trial of the case.

1. Discipline of a minister can be only by his own Presbytery.

A proposition from the Presbytery of West Lexington and Louisville to the Assembly to authorize them to prosecute ministers of other Presbyteries who may preach heresy within their bounds, was taken up and read.

Whereupon it was *Resolved*, That the Constitution in Secs. ii, iii or iv, of Chap. v. of the Book of Discipline (Old), contains sufficient provision on the subject overtured.—1835, p. 476. (See p. 676.)

2. Even when non-resident.

The Presbytery of New York represented to Synod that one of their members now resided in the bounds of New Brunswick Presbytery, whose moral character labored under some imputations, and requested the advice of Synod as to which of the Presbyteries should make the inquiry into that matter, whereupon the Synod judged it to be the duty of the Presbytery of New York.—1782, p. 495.

3. Boards have no authority to sit in judgment on ministers.

a. In answer to the questions propounded by the Presbyteries of Union and French Broad, the Assembly would say, that though they do not recognize in the Board of Missions the authority to sit in judgment upon the orthodoxy or morality of any minister who is in good standing in his own Presbytery, yet, from the necessity of the case, they must exercise their own sound discretion upon the expediency or inexpediency of appointing or withholding an appointment from any applicant, holding themselves amenable to the General Assembly for all their official acts.—1830, p. 290.

b. In all questions touching . . . the character of ministers the Board of Home Missions, in cases of difference between itself and the Presbytery, should abide by the final judgment of the Presbytery.—1883, p. 644.

4. Discipline by Boards of Missions, etc., not recognized.

The Third Presbytery of New York, by Overture, inquire what order it would be proper for them to take with reference to a member who has been excluded from Christian fellowship by a ministerial association under the patronage of the A. B. C. F. M., and dismissed from the service of that Board for immorality, and with whom a regular process of discipline by the Presbytery is difficult, on account of his distance from them and from any ecclesiastical body of our connection. The General Assembly reply, that the ecclesiastical relations of the individual in question evidently remain unchanged by the action of persons not organized under any distinct form of government, and especially not guided by the principles of discipline to which he was subject; and the only correct course for the Presbytery to take, if they regard him as a proper subject of discipline, is to pursue precisely the forms of process given in our Book of Discipline, however difficult or protracted the actual process may be.—1856, p. 194, N. S.

5. Duty of a Presbytery to give notice of an offense.

Overture from the Presbytery of Rock River, being a question of interpretation of the Book of Discipline (Old), Chap. v, Sec. iv.

The Committee recommends the following answer:

When it is alleged that a minister has committed an offense in the bounds of a Presbytery of which he is not a member, the Presbytery in the bounds of which it is alleged the offense was committed has performed its entire duty in the premises when it notifies the Presbytery to which he belongs of the allegation and the grounds on which the allegation is based.—1869, p. 922, O. S.

6. A suspended licentiate can be restored only by the Presbytery which suspended him. Another may take testimony.

The Committee to which was referred the statement of the commissioner from the Presbytery of Fayetteville, respecting a licentiate of the Presbytery of Hopewell, who had been suspended, both from the privilege of preaching the Gospel, and from the enjoyment of the sealing ordinances of God's house, reported the following, which was adopted, viz.:

Resolved, That the only correct mode to be pursued by the licentiate, in order to obtain restoration to his former standing, is to make direct application to the Presbytery of Hopewell; and that the Presbytery of Fayetteville may, with propriety, collect and transmit to the Presbytery of Hopewell, any testimony, touching the moral character of said licentiate, while living within the bounds of the Presbytery of Fayetteville, whenever requested by either the licentiate or the Presbytery of Hopewell.—1822, p. 39.

7. Such Presbytery has no power to try, but only to take testimony.

That in the opinion of this Assembly, the Presbyteries of Harmony and Steubenville appear to have misconceived the directions as laid down in Chap. v, Secs. iii, iv, of the Book of Discipline (Old); inasmuch as those rules do not transfer jurisdiction from a Presbytery to which a minister belongs, to the one within whose bounds he resides, so as to authorize the latter Presbytery to try such minister; but only to examine witnesses in the case, and transmit an authentic Record of the testimony to the Presbytery which made the application; therefore,

Resolved, That the Presbytery of Harmony is at liberty to pursue such a course in the case of Mr. Belknap as the circumstances of the case and the good of religion shall in their opinion require.—1831, p. 339.

39. If a minister accused of an offence refuses to appear by himself or counsel, after being twice duly cited he shall, for his contumacy, be suspended from his office; and if, after another citation, he refuses to appear by himself or counsel, he shall be suspended from the communion of the Church.

40. If a judicatory so decides, a member shall not be allowed, while charges are pending against him, to deliberate or vote on any question.

41. If the accused be found guilty, he shall be admonished, rebuked, suspended or deposed from office (with or without suspension from church privileges, in either case), or excommunicated. A minister suspended from office may, at the expiration of one year, unless he gives satisfactory evidence of repentance, be deposed without further trial.

1. Sentence may be passed on confession.

From the Session of the First Presbyterian Church, Knoxville, Ia., asking if the accused person, before a Committee regularly appointed by the judicatory for private interview, confess guilt and willful persistence in sin, and, afterward appearing before the judicatory upon the first citation, again confesses guilt and willful persistence in sin, may the judicatory proceed to pass their sentence without a further process of trial? Answered in the affirmative.—1879, p. 613.

[Note.—See Book of Discipline, Sec. 48, "Of Cases Without Process."]

2. A suspended minister may not exercise any function of the ministry.

That in the opinion of this Assembly, ministers of the Presbyterian Church, when regularly suspended by the competent judicatories, have no right to exercise the functions of a minister during that suspension.—1825, p. 156.

3. Does not rank as a "common Christian in good standing."

The Committee appointed to examine the Records of the Synod of Geneva reported, that the book be approved, with the exception of pp. 270 and 271, where the conduct of the Presbytery of Ontario is censured for condemning the conduct of Mr. Foreman, a suspended minister, for exercising the rights of a common Christian, in illustrating Scripture and delivering exhortations; because, without deciding on the rights of common Christians in this matter, Mr. Foreman, being suspended from the ministry, ought by no means to be considered as occupying the ground of a common Christian in good standing.—1821, reprint, p. 15.

[NOTE.—Mr. Foreman was suspended for immorality, but persisted "in illustrating Scripture and delivering exhortations." This conduct the Presbytery of Ontario "condemned." The Synod censured the Presbytery for its condemnation of the conduct of Mr. Foreman. On review of the Records of the Synod of Geneva, the Assembly made the above deliverance.]

4. The name of a suspended minister is to remain upon the roll.

a. The Records of the Synod of Northern Indiana approved except that, on p. 54, the Synod censure the Presbytery of Michigan for retaining the name of Mr. Nicoll on the roll after suspending him from the Gospel ministry. Your Committee are of the opinion that the name of a suspended minister should be retained on the roll of Presbytery till they proceed to the higher censure, though he be deprived of the exercise of his ministerial functions.—1847, p. 398, O. S.

b. From the Presbytery of Redstone, asking if it is proper to remove the name of a suspended member of the Presbytery from its roll, and place it in a private register. Your Committee recommend that this Overture be answered in the negative.—1882, p. 96.

c. "He (a suspended minister) is amenable to the Presbytery suspending him, but deprived of all the privileges and functions pertaining to the ministerial office."—1867, p. 83, C. P.

42. Heresy and schism may be of such a nature as to call for deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding, and are not likely to do much injury.

43. If the presbytery finds, on trial, that the matter complained of amounts to no more than such acts of infirmity as may be amended and the people satisfied, so that little or nothing remains to hinder the usefulness of the offender, it shall take all prudent measures to remove the evil.

44. A minister deposed for immoral conduct shall not be restored, even on the deepest sorrow for his sin, until after some considerable time of eminent and exemplary, humble and edifying conduct; and he ought in no case to be restored, until it shall clearly appear to the judicatory within whose bounds he resides, that the restoration can be effected without injury to the cause of religion; and then only by the judicatory inflicting the censure, or with its advice and consent.

1. One Presbytery may not restore a minister deposed by another.

a. A Memorial of the Rev. George D. Stewart and others, that the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who, having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland, against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

It is recommended that this General Assembly declare that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed; and therefore the action of the Presbytery of Highland in restoring Mr. Hummer was improper; and the Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the Constitution. —1862, p. 608, O. S.

b. *Whereas*, The (O. S.) General Assembly (pp. 159 and 160, Moore's *Digest*, 1886) decided in 1862 that "a Presbytery may not restore a minister deposed by another," and the (N. S.) General Assembly (pp. 617 and 618, Moore's *Digest*, 1873), in 1858, decided "that only the Presbytery which deposed a minister has jurisdiction over him," therefore *Resolved*, That the Presbytery of Furrukhabad erred in receiving and restoring to the ministry the said John S. Woodside, while he was under sentence of deposition by the Presbytery of Saharanpur, and in accordance with the action of the General Assembly in a similar case between Presbyteries of our own Church (see Moore's *Digest*, pp. 159 and 160), this Assembly directs the Presbytery of Furrukhabad to reconsider its action, and proceed according to the requirements of the Constitution, as provided for the guidance of our Presbyteries in similar circumstances between themselves.—1883, pp. 628, 629.

2. Restoration of a deposed minister conditioned on conduct under sentence.

a. An extract from the Records of the Presbytery of New York was laid before the Assembly and read. From this and the explanation given, it appeared that a certain Aaron C. Collins, formerly a member of that Presbytery, had been deposed by them from the office of the Gospel ministry; that the crimes for which he was deposed were scandalous and highly aggravated; that his submission to the sentence of deposition had been only partial, he having exercised the functions of a Gospel minister during a part of the time he lay under the sentence; that Mr. Collins had lately applied to that Presbytery to restore him to his office, and certain circumstances were stated as evidence of his penitence. The Presbytery therefore requested the advice of the General Assembly in the premises. And as the principal crime for which Mr. Collins had been deposed had been committed within the limits of the General Association of Connecticut, which had formerly taken cognizance of the offense, the Presbytery requested the coöperation of the Assembly for bringing the case before the Association for their advice.

The Assembly having taken this subject into consideration, and obtained the necessary information,

Resolved, 1. That they cannot advise the Presbytery of New York to restore Mr. Collins under existing circumstances.

2. That this Assembly comply with the latter request made by the Presbytery of New York: they accordingly did, and hereby do, enjoin it on their delegates to the next General Association, to take the necessary measures for bringing this subject before that body, for their advice. —1805, reprint, p. 335.

The delegates from the last General Assembly, to the General Association of Connecticut, reported,

"That they fulfilled the duties of their appointment, and attended diligently all the sessions of the reverend body to which they were delegated; that agreeably to the direction of the General Assembly, they laid before the Association the Papers relative to Mr. Aaron C. Collins, and requested their concurrence in the resolution of the Assembly relative to that man. After the examination of these Papers, the Association readily concurred in the Assembly's resolution, and gave it as their decided opinion, that as he had treated the sentence of deposition by the Presbytery of New York with contempt, in partially exercising the functions of the Gospel ministry when deposed from his office, it would be improper to restore him till he gave better evidence of his penitence, and likewise manifested sorrow for disregarding the authority of the Presbytery."—1806, reprint, p. 348.

b. "We [Oregon Presbytery] ask you to declare that a minister under censure cannot be Constitutionally restored without confession, repentance, and exemplary, humble, edifying conversation, to heal the wound made by his scandal.

"The Assembly answered: 'He cannot.'"—1863, p. 77, C. P.

3. The Assembly recommends restoration, the ends of discipline being gained.

Resolved, That the prayer of the memorialist be granted so far as that this General Assembly recommend to the Presbytery of Fayetteville to reconsider their decision in the case of the Rev. Archibald McQueen; and if, in their judgment, it should appear conducive to the peace of the Church, and the promotion of religion in the region around them, to restore Mr. McQueen to the communion of the Church, and to the exercise of the functions of the Gospel ministry, on the ground that in his case the ends of discipline are attained by the operation of the sentence under which Mr. McQueen has been lying for a period of three years.—1845, p. 32, O. S.

[Note.—Mr. McQueen had been suspended from the ministry for marrying the sister of his deceased wife; for repeal of this prohibition, see above pp. 37, 38.]

4. Method of restoring a suspended or deposed minister.

"The General Assembly expressed the opinion that a suspended or deposed minister cannot be restored by any other than the judicatory which suspended or deposed him, unless by the consent of such judicatory." —1866, p. 52, C. P.

5. When the names of deposed ministers are to be published.

Resolved, That it be recommended to the Presbyteries under the care of the General Assembly, when they shall depose any of their members from the exercise of the ministerial office; and when any person so deposed shall, without having been regularly restored, assume the ministerial character, or attempt to exercise any of the ministerial functions, that in such case, with a view to prevent such deposed person from imposing himself on the churches, Presbyteries be careful to have his name published in the Assembly's magazine, as deposed from the ministry, that all the churches may be enabled to guard themselves against such dangerous impositions.—1806, p. 360.

45. If a minister is deposed without excommunication, his pulpit, if he is a pastor, shall be declared vacant; and the presbytery shall give him a letter to any church with which he may desire to connect himself where his lot may be cast, in which shall be stated his exact relation to the Church. If a pastor is suspended from office only, the presbytery may, if no appeal from the sentence of suspension is pending, declare his pulpit vacant.

1. A minister who has been deposed returns to the condition of a private member, and must be reordained if restored.

Is reordination necessary in the restoration of a deposed minister to the sacred office? And in view of the provisions of the revised Book of Discipline, will reordination be necessary in the restoration to the ministry of those by whom the office has been demitted?

The Committee recommends the following answer:

It is the judgment of this General Assembly that when a minister is deposed his office is taken from him, he becomes a layman, and according to the Book of Discipline (New), Sec. 45, he is to be enrolled as a communicant in a particular church. Should he be recalled to the ministry, therefore, he should be reordained.

The same course ought to be adopted in the restoration of one who has demitted the ministry; inasmuch as the Book of Discipline, Sec. 52, describes one who has demitted the sacred office as returning "to the condition of a private member of the Church."—1884, p. 115.

[Note.—See below, also Book of Discipline, Sec. 52, p. 591.]

2. Deposition carries with it removal from the roll.

Overture No. 75, from the Presbytery of Black Hills, on striking from the roll the name of a deposed minister:

The Presbytery of the Black Hills hereby overtures the General Assembly, requesting to know whether the action of deposing a minister from the ministry carries with it the striking of said minister's name off the roll without further action by Presbytery, or not. *Answer*: It would be well for the Presbytery, in deposing a minister, to make the striking of the name from the roll a part of the action; yet, strictly speaking, deposition carries with it the removal of his name from the roll.—1905, p. 207.

46. A presbytery may, if the edification of the Church demand it, require an accused minister to refrain from the exercise of his office until final action in the case shall be taken: *provided*, that in all cases a speedy investigation or trial shall be had.

[Note.—See above, under Book of Discipline, Sec. 33, p. 577.]

47. In process by a session against a ruling elder or deacon, the provisions of this chapter, so far as applicable, shall be observed.

[Note.—As adopted in 1884, Sec. 47 read as follows:
"In process by a Presbytery against an acting elder, or by a Session against a Deacon, the provisions of this chapter, so far as applicable, shall be observed." See Note, Sec. 19, p. 560. This form of the Section was rejected in 1885.]

CHAPTER VII.

OF CASES WITHOUT PROCESS.

48. If a person commits an offence in the presence of a judicatory, or comes forward as his own accuser and makes known his offence, the judicatory may proceed to judgment without process, giving the offender an opportunity to be heard; and in the case first named he may demand a delay of at least two days before judgment. The record must show the nature of the offence, as well as the judgment and the reasons therefor, and appeal may be taken from the judgment as in other cases.

49. If a communicant, not chargeable with immoral conduct, inform the session that he is fully persuaded that he has no right to come to the Lord's Table, the session shall confer with him on the subject, and may, should he continue of the same mind, and his attendance on the other means of grace be regular, excuse him from attendance on the Lord's Supper; and, after fully satisfying themselves that his judgment is not the result of mistaken views, shall erase his name from the roll of communicants, and make record of their action in the case.

50. When a communicant removes his residence from a place where he is a member, the pastor, or, in case of vacancy in the pastorate, the clerk of session of the church of which he is a member, shall at once notify the pastor or clerk of the session of the church into the bounds of which he removes, of his new place of residence. Presbyteries including towns or cities containing two or more Presbyterian churches, shall appoint in each of these towns or cities a committee on members changing residence, the chairman of which shall be a minister, and he shall be indicated by a sign or mark before his name on the roll of presbytery in the Assembly *Minutes*, and notices of members removing to that city shall be sent to him, and he shall turn over these names to the pastor of the church nearest each removing member's place of residence. In cases of uncertainty, notice shall be sent to the stated clerk of presbytery.

If the communicant shall fail to ask for a regular certificate of dismission, within two years, without giving sufficient reason, after correspondence by the session, his name may be placed on the roll of suspended members, with the date of the action, until he shall satisfy the session of the propriety of his restoration. The same action may be taken, without correspondence, in the case of those absent for three years, whose residence is unknown; but in every case definite action shall be taken by the session, and the record of it shall show that the session has conformed with the requirements of this section, and shall state the reasons of its action. In all cases such member shall continue subject to the jurisdiction of the session.

The roll of suspended members shall contain the names of those members who have been suspended either with or without process. Such names shall not be reported to Presbytery as being among the active members of the church. The Session shall make an annual review of the roll of communicants and of the roll of suspended members, before making its report to Presbytery, and in making such review shall make no erasures from the roll of communicants, without paying full regard to the law of the Church as contained in the Book of Discipline, especially as to due notice to absentees whose addresses are known, and the Session shall make earnest effort to restore to good and regular standing all suspended members.

The roll of communicant members shall be divided into two classes where necessary to include all its members, namely, resident and non-resident. Resident members shall be construed to include all members whose legal residence is within the bounds of the congregation or who regularly attend upon or support its worship. Non-resident members shall include all those members who both legally reside beyond the bounds of the congregation and do not attend upon or support its worship; but who should not, in the judgment of the Session, be placed upon the Suspended Roll.

1. When one whose name is erased may be received by another church.

Overture, from the Presbytery of Philadelphia Central: "When the name of a person has been erased from the roll of communicants, when he has been absent three years and his residence unknown (Book of Discipline, Sec. 49 [now 50]), and when he is still subject to the jurisdiction of the Session which erased his name, is it right for the Session of any other Presbyterian church to receive such person to their communion on profession of faith?"

We recommend as answer: Not if restored standing in the church to which he belongs, and regular dismission therefrom, are possible.—1887, p. 81.

2. Reserve Roll for non-resident members only.

Overture No. 73, from the Synod of Tennessee, as to church members on the Reserve Roll:

The Synod of Tennessee hereby respectfully and earnestly overtures the General Assembly to take some action that will limit and guard the permission to place names of church members upon a Reserve Roll. We are sure that great loss is coming to our Church in this way. We fear there is not proper and persistent pastoral care and oversight used in these cases by ministers and Sessions. We pray your honorable body, therefore, to define more clearly and carefully the conditions and circumstances that will justify a Session in taking such action. The following answer is recommended: The Reserve Roll is authorized by Sec. 49 [now 50], Book of Discipline. It is for non-resident members only. It must not be confounded with Sec. 50 [now 51], Book of Discipline, which applies to resident members who neglect Church ordinances, and who have no place on this Reserve Roll. Under neither rule and on neither roll should any name be entered until after the most careful and earnest efforts to restore to Christian faithfulness.—1905, p. 207.

3. Title of Reserve changed to Suspended Roll.

One of the most troublesome items of the Committee's work was the column in the Statistical Tables entitled "The Reserve Roll"—first as to its relation to the balancing of the returns of membership, and second as to its name. The balancing of the returns has been provided for by the Committee through the insertion of a new column to be entitled "Restored," in which the number of the persons may be placed who have been restored to the list of regular communicants. The name of the column was and is a more serious matter, for the reason that it has not been properly understood by some church Sessions. The "Reserve Roll" is based upon the provisions of Sec. 49 [now 50] of the Book of Discipline. That Section has to do solely with non-resident communicants who have been absent for two years or more, who have not asked for or received the regular Certificate of Dismission to another church, and who do not reply, for one cause or another, to letters from the clerk of Session advising them to apply for such certificates. The Session is authorized, upon report duly made, to place the names of such negligent non-resident communicants on the roll of suspended members, until satisfied of the propriety of their restoration. It is evident from these provisions of the Book of Discipline that the action taken by the Session in such cases is of the nature of a judicial case without process.

That such is the fact appears by Chap. vii of the Book of Discipline, which includes Sec. 49 [now 50], and is entitled "Of Cases Without Process." The persons whose numbers are reported in the column known as the Reserve Roll are therefore dealt with judicially, though in an informal manner, and the charge against them is "prolonged absence without excuse." The Committee feels that in order to remove all apprehension as to the character of the column it should be entitled hereafter "Suspended Roll." This change appears to be required not only because of misunderstanding, but also because of the express provisions of the Book of Discipline.—1906, pp. 216, 217.

51. If any communicant, not chargeable with immoral conduct, neglects the ordinances of the Church for one year, and in circumstances such as the session shall regard to be a serious injury to the cause of religion, he may, after affectionate visitation by the Session, and admonition if need be, be suspended from the communion of the Church until he gives satisfactory evidence of the sincerity of his repentance, but he shall not be excommunicated without due process of discipline.

In cases where a communicant, still residing in the bounds of the church and not chargeable with immoral conduct, shall persistently absent himself from the ordinances of religion in the church, the Session, having made diligent effort to restore him to active fulfillment of his membership, may, after one year from the beginning of such effort, and after duly notifying him of its intention, place his name upon the roll of suspended members, without further process. If at a later time such communicant, his life in the meanwhile being free from scandal, shall resume his attendance on the ordinances of the church, the Session shall restore his name to the active roll.

1. Willfully absenting oneself from the ordinances of God's house is an offense.

a. The decision of the General Assembly in the case of the *Appeal* of Alexander Frazer against a decision of the Synod of Buffalo refusing to sustain his Appeal, and affirming the decision of the lower courts suspending him from the communion of the Church on the charge of a willful absenting of himself from the ordinances of God's house for the space of a year and a half, is that the Appeal be not sustained, but the decision of the Synod affirmed:

1. Because the conduct charged, if the appellant was justly chargeable with such conduct, was a high offense.
2. Because it was openly acknowledged in court by the appellant that he was chargeable with the offense charged, and this is not denied by any party.—1859, pp. 546, 547, O. S.

b. The Assembly took up the *Complaint* of the Rev. N. West, D.D., against the Synod of New York.

Mr. Rowland had absented himself from the ordinances of the Second Church of Brooklyn, N. Y., for some months. Upon application for his certificate, the Session gave him a certificate, omitting the words "at present in good and regular standing," and substituting for them a testimonial to his previous good Christian character, inserting at the same time a statement of the fact of his recent absence from the ordinances of the Church. Mr. Rowland brought a Complaint against the Session before the Presbytery of Nassau, and the Presbytery sustained the Complaint. Mr. West complained to the Synod against the Presbytery. The Synod of New York, sustained the Complaint of Rev. N. West against the Presbytery, and then, in its final Minute, ordered a letter in the usual form to be given to Mr. Rowland. Against the decision of the Synod in adopting this Minute Mr. West complains. . . . It was

Resolved, That the Complaint of the Rev. N. West, D.D., be sustained, and the decision of the Synod in its final Minute be and it hereby is reversed; and further that the Synod erred in prescribing to the Session of the Second Church of Brooklyn the form of a certificate to be granted to Mr. Rowland after they had already granted a certificate to him which was agreeable to the Constitution of the Church and to the truth.—1864, p. 328, O. S.

2. Disagreement with a pastor no excuse for willful absence.

The *Appeal* and *Complaint* of G. A. Hotchkiss against the Synod of Indiana for sustaining the Session of Pleasant Township Church and the Presbytery of Madison in censuring him for absenting himself from public worship on account of disagreement with his pastor. The Papers were read in order, the regular process prescribed in the book was observed, and the Assembly voted unanimously that the action of the inferior courts be sustained and confirmed.—1854, p. 44, O. S.

3. Discipline enjoined for willful absence.

Is it consistent with regular standing in our Church for church members to be supporters and attendants in other churches not of our communion, while absenting themselves from and refusing to support the church to which they belong?

The Committee recommend that the question be answered in the negative, with an injunction on church Sessions to make such cases a matter of discipline.—1865, p. 537, O. S.

4. Excommunication may not be without trial.

"Is it within the province of the Session to excommunicate without formal trial a church member who makes a written confession of having embraced heretical views, and in consequence having violated covenant by long-continued absence from the ordinances of the Church, and who requests to be cut off from the Church?" The Committee recommend that the party asking the above question be referred to the Book of Discipline (Old), Chap. iv, and such Session be urged to follow strictly the order laid down therein.—1865, p. 12, N. S.

5. Is formal notice of suspension necessary? Do suspended members retain right to vote?

"When communicants of a church are suspended in accordance with the Book of Discipline, Chap. vii, Sec. 50 (*Digest*, 1898, p. 665), is it necessary that a formal notice of said action shall be served on the parties suspended, in order that said action shall become effective?

"In the above action, do suspended members still retain the right to vote in congregational meetings, either before or after the serving of a formal notice of suspension?"

The Committee has given careful consideration to the whole subject of the Overture, and respectfully reports the following answers to the questions of the Presbytery of Great Falls.

When absentee members of a church are suspended, in accordance with the Book of Discipline, Chap. vii, Sec. 50, it is, after effort at notification on the part of the Session. The notice of Session's intention to act precedes suspension, and does not come after it. The law of suspension, however, contained in Sec. 50 of the Book of Discipline, affects only absentee church members, who have removed from the community where the church with which they are connected is located, and does not affect members temporarily absent from church services and still residing in the community. The Session cannot by resolution suspend resident church members, but must proceed regularly by process in accordance with the Book of Discipline. But where the Session suspends non-resident absentee members by resolution, and the provisions of the Book of Discipline in cases without process have been complied with as to notification, its power cannot be questioned, and no formal notice of action taken by the Session is necessary to make such suspension effective.

The right of members of a "congregation" to vote at "congregational" meetings, as distinct from "church" meetings, is altogether distinct from the right of communicant members to vote at meetings of the ecclesiastical body known as "a church." Persons who are not church members, but who are regular attendants, and contribute to the support of church worship, are entitled, under the laws of several of the States, to vote for trustees, and at "congregational" meetings, strictly so called. The right to vote in church and congregational meetings is taken away from communicant members when they are suspended by act of Session, but the question of the right of non-communicants to vote at congregational meetings is one to be determined by the regulations of the State conferring the Charter upon the congregation, and under the Charter.—1912, p. 74.

52. If a minister, otherwise in good standing, shall make application to be released from the office of the ministry he may, at the discretion of the presbytery, be put on probation, for one year at least, in such a manner as the presbytery may direct, in order to ascertain his motives and reasons for such a relinquishment. And if, at the end of this period, the presbytery be satisfied that he cannot be useful and happy in the exercise of his ministry, they may allow him to demit the office, and return to the condition of a private member in the Church, ordering his name to be stricken from the roll of the presbytery, and giving him a letter to any church with which he may desire to connect himself.

[Note.—Deliverances of the Assembly, so far as they forbade the demission of the ministry, have been annuled by the above section.]

1. Ministers cannot be required to seek demission.

Overture No. 34, from the Presbytery of Benicia, relative to demission from the ministry, asking the Assembly to direct Presbyteries, that when ministerial members have been for three years, and without sufficient reason, with no ministerial duties under the approval of Presbytery, they should be required by Presbytery to seek demission from the ministry, under the provisions of Sec. 51 [now 52] of the Book of Discipline. Your Committee report that ministerial members in such cases, cannot be compelled, under our rules, to seek demission, though Presbyteries may properly advise with them as to what it is best to do under such circumstances. —1901, p. 62.

2. Demission allowable only after a year's probation.

a. *Overture No. 35*, from the Presbytery of Chicago. Presbytery asks instructions from the Assembly whether, under Sec. 51 [now 52] of the Book of Discipline, it can allow a minister who seeks demission, and who in the judgment of Presbytery acts wisely in seeking it, to demit the ministry immediately without waiting for a year's probation. Your Committee report that this Section of the Book of Discipline evidently gives permission to the Presbytery to allow demission only after a year's consideration by the Presbytery and the minister; that such is part of our Constitution to which the several Presbyteries have assented; that it does not appear that any real hardship can be suffered by a year's waiting, and that it is the judgment of the Assembly that this provision of the Book of Discipline, as thus interpreted, should be complied with.—1901, p. 62.

b. *Overture No. 90*, from the Presbytery of Puget Sound, as to the meaning and force of Sec. 51 [now 52], Book of Discipline. The Presbytery of Puget Sound would respectfully inquire of the General Assembly, whether Sec. 51 [now 52] of the Book of Discipline means that the Presbytery may, at its discretion, grant an immediate demission of the ministry, or that Presbytery must put the applicant on probation for at least one year? The Committee is unanimously of the opinion that an immediate demission of the ministry is not contemplated by Sec. 51 [now 52], of the Book of Discipline; but that if any action whatever is taken upon a minister's request for demission, he must be put upon probation for at least one year. —1906, p. 194.

c. That in the case of *Overture No. 75*, from the Presbytery of Troy, asking "permission to drop from its roll the name of Raymond C. Donnan, who, for more than a year, has ceased to perform any ministerial acts, and still persists in his decision to demit the ministry," no action be taken, on the ground that the Presbytery has power to adjudicate such cases for themselves.—1910, p. 237.

53. If a communicant renounces the communion of this Church by joining another denomination, without a regular dismission, although such conduct is disorderly, the session shall take no other action in the case than to record the fact, and order his name to be erased from the roll. If charges are pending against him, these charges may be prosecuted.

[NOTE.—See above, p. 121.]

1. Session has right to grant letter certifying Christian Character.

Overture 10. It is recommended that the following be adopted:

The General Assembly deems it inadvisable to transmit to the Presbyteries for action the overture proposing an amendment to Book of Discipline Chapter vii, Section 53. The General Assembly has already ruled that the session of a particular church has, under our Constitution, the right to grant a letter certifying to the Christian character and ecclesiastical good standing of a communicant member and may exercise this right in its discretion. [See this *Digest*, p. 758, Item 7.]—1930, p. 138.

54. If a minister, not otherwise chargeable with an offence, renounces the jurisdiction of this Church, by abandoning the ministry, or becoming independent, or joining another denomination not deemed heretical, without a regular dismission, the presbytery shall take no other action than to record the fact and to erase his name from the roll. If charges are pending against him, he may be tried thereon. If it appears that he has joined another denomination deemed heretical, he may be suspended, deposed, or excommunicated.

Or if a minister shall absent himself from the Sessions of the Presbytery of which he is a member for a period of three years, and shall neglect to report to said Presbytery concerning himself, his whereabouts and his work, and the Presbytery after due and diligent search, shall be unable to ascertain his place of residence, the Presbytery shall then have the authority without further action, and without prejudice to him, to erase his name from the roll.

[NOTE.—See, also, in this *Digest*, Vol. I, pp. 205 and 209, Sec. 54, however, makes void certain deliverances of the Assembly, made before its adoption in 1884.]

1. To strike from the roll the name of a minister withdrawing while under investigation, is unconstitutional and void.

The letter of Rev. T. M. Dawson to the Presbytery of San Francisco, August 7, 1875, was, according to the concession of both parties to the Complaint, understood and acted upon as an announcement of his withdrawal from the Presbyterian ministry. As such withdrawal, while the Presbytery was prosecuting inquiries in regard to the character and conduct of the minister professing to withdraw, finds no sanction in the Form of Government and precedents of the Church, the striking of the name of Rev. T. M. Dawson from the roll of the Presbytery was unconstitutional and void.—1876, p. 449.

2. A minister's name may not be stricken from the roll, except by his consent, by discipline, or by his having recognized some other jurisdiction, or by becoming independent.

a. *Overture*, being a request from the Presbytery of West Chester that the Assembly shall define the authority of Presbyteries, in regard to taking from the roll the names of ministers serving churches in other denominations. The Committee recommend the adoption of the following:

Since the adoption of the revised Book of Discipline, especially Sec. 53 [now 54] in Chap. vii, a Presbytery has no authority to take a minister's name from the roll, without his consent, except by discipline, unless he has said or done something which either recognizes some other ecclesiastical jurisdiction over him or declares his independence.—1885, p. 604. See p. 182.

b. *Overture No. 56*, from the Troy Presbytery asking permission to drop from its roll the name of Edward T. Berry, who has not reported to the Presbytery since 1910, and who is said to be serving an unaffiliated and independent congregation without the bounds of the Presbytery.

The Committee recommends that if the Presbytery of Troy has duly cited the Rev. Edward T. Berry to appear and to give reason why his name should not be dropped from the roll, and he has failed to do so, or failed to give sufficient reason, the Presbytery of Troy is granted permission to erase his name from the roll; this being in harmony with the deliverances of the General Assemblies of 1836, 1870 and 1872.—1919, p. 270.

c. *Overture No. 137*, from the Presbytery of Boulder; *No. 138*, from the Presbytery of Chemung, and *No. 139*, from the Presbytery of Pittsburgh, asking permission for each of these Presbyteries to erase from its ministerial roll certain ministers who are named, on the ground that said ministers have been absent from the bounds and out of communication with their Presbyteries for several years. We submit, for answer to all of these Overtures, that in such cases Presbytery must act upon its own discretion, subject to the law of review and control.—1908, p. 171.

3. Those who entertain views irreconcilable with our Standards urged to withdraw.

a. While, in accordance with complete freedom of conscience, the General Assembly would urge upon all, fidelity to our doctrinal Standards, they would at the same time earnestly advise anyone who may entertain views irreconcilable with our Standards, to take the authorized course, after consultation with his Presbytery, and peacefully withdraw from the ministry of our Church.—1878, p. 99.

b. The General Assembly would remind all under its care that it is a fundamental doctrine that the Old and New Testaments are the inspired and infallible Word of God. Our Church holds that the inspired Word, as it came from God, is without error. The assertion of the contrary cannot but shake the confidence of the people in the sacred Books. All who enter office in our Church solemnly profess to receive them as the only infallible rule of faith and practice. If they change their belief on this point, Christian honor demands that they should withdraw from our ministry. They have no right to use the pulpit or the chair of the professor for the dissemination of their errors until they are dealt with by the slow process of discipline. But if any do so act, their Presbyteries should speedily interpose, and deal with them for violation of ordination vows. The vow taken at the beginning is obligatory until the party taking it is honorably and properly released. The General Assembly enjoins upon all ministers, elders and Presbyteries, to be faithful to the duty here imposed.—1892, p. 179. (See above, pp. 6, 2; 12, 1.)

4. Names of ministers whose residence is unknown to be kept on a Reserve Roll.

Overture from the Presbytery of Brooklyn, asking that ministers whose names are now on the rolls of Presbyteries, and are reported from year to year, though it is not known where they reside, or whether they are living or not, may be reported apart from others, their names being printed on a Reserve Roll; and that the Presbyteries be directed to place their names on Reserve Rolls in their respective Reports to the Assembly, and not to count them in determining their representation in the Assembly.

The Committee recommend that the request be granted.—1891, p. 106.

5. Ministers absent and residence unknown, stricken from the roll without prejudice to ministerial standing.

a. *Overture* from the Presbytery of Columbus, asking leave to erase the name of Rev. Emil Sage from its roll without prejudice to his ministerial standing. Mr. Sage having been received into the Presbytery in 1882 under the regulations applicable to foreign ministers, has now been absent from the country for several years, having probably returned to Europe, and his residence, after due effort, cannot be ascertained.

We recommend that the permission asked for by the Presbytery be granted.—1888, p. 110.

b. *Overture No. 40*, from the Presbytery of Brooklyn, asking leave to erase from their roll the names of two ministers whose whereabouts have not been known for twenty-five years, such erasure to be without prejudice to their ministerial character. Your Committee report that permission was granted by the Assembly of 1891, on an Overture from the Presbytery of Brooklyn, to report such names apart from others; the names being printed on a Reserve Roll, and not to be counted in determining their representation in the Assembly. Your Committee therefore report, recommending to the Presbytery of Brooklyn in the present instance that such a disposition be made of the two names now in question. —1901, p. 63.

c. *Overture No. 236*, from the Presbytery of New Albany, asking leave to erase the name of a missing minister from its roll. "*Whereas* the whereabouts of the Rev. George V. Dickey, a member of this Presbytery, have been unknown to us for several years, and whereas we are unable to get into communication with him, we respectfully overture the Assembly, asking leave to erase his name from our roll, without prejudice to his ministerial standing." It is recommended that the Overture be answered in the affirmative, and that the name above given be erased from the roll.—1906, p. 195.

d. *Overture No. 24*, from the Presbytery of Nebraska City, asking for permission to drop from its roll the name of Rev. M. Cunningham Bowie, whose location is unknown; and *Overture No. 53*, from the Presbytery of Omaha, asking permission to erase from its roll the name of Robert Killip, whose location is also unknown—this to be done in both instances without prejudice to their ministerial standing. Inasmuch as in both the cases submitted the Presbyteries petitioning have no knowledge of the parties named for several years, it is recommended the permission asked be granted. —1909, p. 189.

e. That *Overture No. 74*, from the Presbytery of Troy, asking "Permission to drop from its roll, without prejudice, the name of Rev. Harmon H. Boone, whose location, for several years, has been unknown," be answered in the affirmative.—1910, p. 237.

CHAPTER VIII.

OF EVIDENCE.

55. Judicatories ought to be very careful and impartial in receiving testimony. Not every person is competent, and not every competent person is credible, as a witness.

56. All persons, whether parties or otherwise, are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments, or have not sufficient intelligence to understand the obligation of an oath. Any witness may be challenged for incompetency, and the judicatory shall decide the question.

1. A prosecutor may testify.

Exception to Records of Synod of Philadelphia, that, on p. 18, res. 2, decides, That a prosecutor cannot be a witness in the same case; whereas a prosecutor in behalf of common fame is not excluded from bearing testimony, nor does our Book exclude any prosecutor from bearing testimony on either side of a case pending.—1858, reprint p. 565, O. S.

57. The credibility of a witness, or the degree of credit due to his testimony, may be affected by relationship to any of the parties; by interest in the result of the trial; by want of proper age; by weakness of understanding; by infamy or malignity of character; by being under church censure; by general rashness or indiscretion; or by any other circumstances that appear to affect his veracity, knowledge, or interest in the case.

1. Credibility of a witness to be determined by the judicatory.

An *Overture* from the Presbytery of Ningpo, China, asking:

1. In Form of Government, Chap. ix, Sec. vi, are non-church members included in the expression, "other witnesses," or does it refer only to witnesses from other congregations?

2. May a heathen of good repute appear as a witness before a church Session in a case of discipline?

Answer: Persons who are not church members, even though heathen, in good repute, may be admitted to testify. Their credibility is to be determined by the judicatory. (See Book of Discipline [Old], Chap. vi, Secs. i, ii and iv.)—1881, p. 585.

[Note.—See below, Sec. 58.]

58. A husband or wife shall be a competent witness for or against the other, but shall not be compelled to testify.

1. Husband and wife competent witnesses in the same case.

The Assembly went into the consideration of the case reported by the Presbytery of Ohio, which was in the following terms: "A certain married woman charges an unmarried man with immodest conversation and conduct in attempts upon her chastity, of which her husband and another, or indifferent person, were at a certain time witnesses. Whereas our Constitution declares that a person accused shall not be convicted by a single witness, can the said woman and her husband be admitted witnesses in the above case?"

To the above question the Assembly answered, that in all such cases as that submitted by the Presbytery of Ohio, it is a principle that both the husband and wife are to be admitted to give testimony. But in every particular case as it occurs, the judicature before whom it is tried ought, in order to guard against collusion, to pay a very scrupulous regard to all the circumstances attending it, and especially to the characters of those who are admitted as evidences, so that on one hand the necessity of the case may be consulted, and on the other, that no injury may result to an innocent person.—1797, p. 128.

59. Evidence may be oral, written or printed, direct or circumstantial. A charge may be proven by the testimony of one witness, only when supported by other evidence; but, when there are several specifications under the same general charge, the proof of two or more of the specifications, by different credible witnesses, shall be sufficient to establish the charge.

1. When one of two specifications of a charge is proved, the charge itself is proved.

The Committee appointed to examine the Minutes of the Synod of India reported that:

From the Minutes it appears that the Rev. J. C. Bose, of the Presbytery of Lahore, was tried by his Presbytery on the charge of lying and deceit, and found guilty under each of two specifications, and was thereupon suspended from the ministry; that he appealed from this judgment to the Synod; that the Synod, on review of the case, sustained the finding of the Presbytery under one specification only, and required the Presbytery to administer to Mr. Bose a severe censure and restore him to the ministry.

Against this decision of the Synod a protest was made and entered upon the Minutes, on the grounds:

1. That though one of the specifications had not been established, the crime remained the same under the other specification, which the Synod sustained.
2. That the restoration enjoined upon the Presbytery of Mr. Bose to the ministry, without any acknowledgment of guilt or evidence of repentance, was contrary to the express requirement of the Book of Discipline.

So far as the Records go, these objections seem to be well taken, but no answer to them by the Synod is recorded. It appears, however, that action of the Synod turned upon the interpretation of Sec. 58 [now 59] of the Book of Discipline, and the consequent application of Sec. 99 [now 100].

We also find that the Synod, on review of the Minutes of the Presbytery of Lodiana, adopted and ordered to be entered on the Minutes of that Presbytery, a Report taking exceptions to these Minutes, but—accidentally, it would seem—omitted the record of this Report from its own Minutes, and when the omission was called to the attention of the Synod, at its next meeting, it then, by a vote, refused to enter the Report.

Against this refusal a protest was made and recorded, on the ground that among the exceptions taken in the Report were matters of great importance as precedents to the youthful Church of India, notably one which is specified, viz., that three ministers were received into said Presbytery very irregularly, without Certificates of Dismission from the bodies to which they belonged, or examinations. To this protest no answer by the Synod is recorded. We therefore recommend that the Minutes of the Synod of India be approved, with the following exceptions:

1. The requiring of the Presbytery of Lahore to restore Mr. Bose to the ministry without acknowledgment of guilt or evidence of repentance was a virtual reversal of the judgment and sentence of the Presbytery, founded, so far as the Records show, on the erroneous interpretation of Sec. 58 [now 59] of the Book of Discipline, that where one only of two specifications of a charge is proved, the charge itself is not proved.

2. The failure to record the Report adopted in reference to the Presbytery of Lodiana leaves the Minutes of the Synod an incomplete record of its proceedings.—1887, p. 129.

2. When the offense charged is not sustained, the verdict should be "Not guilty."

Complaint of T. S. Hamlin *et al. vs.* the Synod of Baltimore.

The following is a statement of the case: The Rev. Francis M. Todd, a member of the Presbytery of Washington City, had been tried by that body, sitting in a judicial capacity, on serious charges affecting his moral character, and the finding of the court, as expressed in its final vote on "the calling of the roll," was, "Not sustained." The Presbytery, however, subsequently expressed its judgment in the following Record, viz.: "That under the provision of the Book of Discipline, Chap. viii, Sec. 58 [now 59], a charge may be proven by the testimony of one witness only when supported by other evidence; a majority of the judicatory have voted not to sustain the specification and charges against said Todd, such judgment being rendered, owing to the fact that the supporting evidence to the principal witness is insufficient." From this recorded judgment Mr. Todd appealed to the Synod of Baltimore upon several grounds, but chiefly for the reasons of its inconsistency with the verdict of acquittal previously rendered, and the unjust and damaging effect of the subsequent record upon his character. The Synod of Baltimore, by a very decided vote, sustained this Appeal, and directed the Presbytery "to record in their Minutes the verdict expressed in their vote 'Not to sustain,' viz., 'Not guilty.'" And it is against this decision of the Synod that the present Complaint has been brought.

The judgment of the Commission is that the decision of the Synod was right and ought to be sustained and consequently that the Complaint should be dismissed.—1888, p. 103.

60. No witness afterwards to be examined, except a member of the judicatory, shall be present during the examination of another witness if either party object.

61. Witnesses shall be examined first by the party producing them; then cross-examined by the opposite party; after which any member of the judicatory or either party may put additional interrogatories. Irrelevant or frivolous questions shall not be admitted, nor leading questions by the parties producing the witness, except under permission of the judicatory as necessary to elicit the truth.

62. The oath or affirmation shall be administered by the Moderator in the following, or like, terms: "You solemnly promise, in the presence of the omniscient and heart-searching God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge, in the matter in which you are called to testify, as you shall answer to the Great Judge of quick and dead."

1. The authority for administering a judicial oath.

The Committee appointed to draft an answer to the following question, overtured from the Presbytery of Georgia, viz.: "Whence do the General Assembly derive authority to empower the moderator of a church Session to administer an oath?" reported the following, which was adopted, viz.: "An oath for confirmation (saith the apostle), is to them an end of all strife" (Heb. 6: 16). It is a solemn affirmation, wherein we appeal to God, as the witness of the truth of what we say; and with an imprecation of his vengeance if what we affirm is false, or what we promise be not performed. Its force results from a belief that God will punish false swearing with more severity than a simple lie, or breach of promise; because perjury is a sin of greater deliberation, and violates superior confidence.

That oaths are lawful is evident from the fact that our Lord, when interrogated on certain occasions, answered upon oath. (See Matt. 26: 63, 64.) Paul also uses several expressions which contain the nature of an oath. (See Rom. 1: 9; 9: 1; I Cor. 15: 31; II Cor. 1: 18; Gal. 1: 20.) They are solemn appeals to God. It is manifest that oaths are not to be used on light or trivial occasions. We are expressly commanded not to take God's name in vain. But as the Bible does not point out the particular occasions when oaths are to be used, nor the persons who are to administer them, these circumstances are left to the discretion of individuals and communities. The necessity of oaths is founded in expediency; and all associations, whether civil or ecclesiastical, have a right to use them for confirmation, when, in the exercise of a sound discretion, they are deemed important. It is lawful for every community, in the compact on which their union is founded, to point out the cases in which oaths shall be used, and who shall administer them. The authority of moderators in the Presbyterian Church to administer oaths is not derived from the General Assembly, but from the Constitution, or articles of compact, which our churches have adopted, and by which they have agreed to be governed as a Christian community. It may be proper also to add, that the oaths prescribed by ecclesiastical authority and administered by civil authority, in no respect interfere with our relations to civil society. Nor can the administering of them if rightly viewed, be considered as a violation of those laws of the State, which prescribe the manner in which civil oaths shall be administered.—1823, p. 87.

[Note.—See this *Digest*, Confession of Faith, Chap. xxii, p. 30.]

2. Testimony should be under oath and recorded.

Statements were given as evidence by the members of Presbytery, which are not recorded, and which do not appear to have been given under the usual solemnity of an oath. Craighead's case.—1824, p. 122.

63. Every question put to a witness shall, if required, be reduced to writing. And, if either party desire it, or if the judicatory shall so decide, both question and answer shall be recorded. The testimony, thus recorded, shall be read to the witnesses, in the presence of the judicatory, for their approbation and subscription.

[Note.—See also under Sec. 62, above.]

64. The records of a judicatory, or any part of them, whether original or transcribed, if regularly authenticated by the Clerk, or in case of his death, absence, disability, or failure from any cause, by the Moderator, shall be deemed good and sufficient evidence in every other judicatory.

65. In like manner, testimony taken by one judicatory and regularly certified, shall be received by every other judicatory, as no less valid than if it had been taken by themselves.

[Note.—65. All the evidence introduced in any judicatory shall be received under and according to the general rules of evidence, except as otherwise defined and limited by the provisions of this chapter. (New.)
Adopted, 1884. Omitted 1885, p. 602, and the following sections renumbered.]

66. Any judicatory, before which a case may be pending, shall have power, whenever the necessity of parties or of witnesses shall require

it, to appoint, on the application of either party, a commission of ministers, or elders, or both, to examine witnesses; which commission, if the case requires it, may be of persons within the jurisdiction of another body. The commissioners so appointed shall take such testimony as may be offered by either party. The testimony shall be taken in accordance with the rules governing the judicatory, either orally or on written interrogatories and cross-interrogatories, duly settled by the judicatory, due notice having been given of the time when, and place where, the witnesses are to be examined. All questions, as to the relevancy or competency of the testimony so taken, shall be determined by the judicatory. The testimony, properly authenticated by the signatures of the commissioners, shall be transmitted, in due time, to the Clerk of the judicatory before which the case is pending.

67. A member of the judicatory may be called upon to testify in a case which comes before it. He shall be qualified as other witnesses are, and, after having given his testimony, may immediately resume his seat as a member of the judicatory.

1. A member of the judicatory required to testify; to refuse is contumacy.

a. *Resolved*, That a member of the judicatory, present when the judicatory is taking testimony, is bound, if called upon to do so, to give his testimony in the case that is in process, and that his refusal to do so, on the ground that he had not been cited beforehand, would subject him to censure for contumacy.—1854, p. 45, O. S.

b. Records of the Synod of Cincinnati excepted to for not sustaining *Exception 2* to the Minutes of the Presbytery of Cincinnati, p. 409, in the following words: "Denying to the prosecution the right to introduce members of the court on the spot, without a citation, to disprove and rebut certain testimony of the defense."—1878, p. 118.

68. A member of the church, summoned as a witness, and refusing to appear, or, having appeared, refusing to testify, shall be censured according to the circumstances of the case for his contumacy.

1. A minister cited to testify before a Session.

A request from certain ministers and ruling elders of the Synod of Alabama, for the opinion of the General Assembly touching certain questions that may arise in the case of a minister, who, when cited by a church Session as a witness, declines to appear before that court. The Committee recommended that the brethren be referred to the Book of Discipline (Old), Chap. i, Sec. v; Chap. iv, Secs. xxi, xxxiii and lxvii; Chap. v, Secs. xxxvi, xviii and cxviii; Chap. vi, Sec. 67 [now 68] of this Book, for answer to their questions.—1854, p. 17, O. S.

69. If, after a trial before any judicatory, new evidence is discovered, supposed to be important to the exculpation of the accused, he may ask, if the case has not been appealed, and the judicatory shall grant, if justice seems to require it, a new trial.

1. New trial may be had on the allegation of new testimony.

a. That as new evidence, apparently of an important kind, has been alleged in this case since the decision of the Synod, it is proper that a new trial be instituted thereon.—1793, p. 68.

b. *Resolved*, That as only one of the parties in this case is present, this General Assembly do not consider themselves as placed in circumstances which admit of their reconsidering the decision of last Assembly on Mr. Hindman's Appeal from the Synod of Philadelphia, even if the existence of new evidence were ever so unquestionable.

Resolved, also. That it is the well-known privilege of Mr. Hindman, if he consider himself as having new evidence to offer in this case, to apply to the Presbytery for a new trial upon that new evidence.—1811, p. 479.

c. The Judicial Committee reported on the Appeal of John Ward from a decision of the Synod of Genesee, that on the ground of new testimony the appellant be directed to apply to the church of Bergen for a new trial.—1829, p. 266; also 1841, p. 307, O. S.

2. Case referred back because of alleged new evidence.

Judicial Case No. 1, being the Petition of Rev. C. W. Backus, D.D., asking for a rehearing of his case. The following action is recommended:

Resolved, That as the Petition of Dr. Backus alleges discovery of new evidence in that the Records of Synod as placed before the last General Assembly were not complete, the Committee recommend that the case be referred back to the Synod of Kansas to be disposed of as the interests of the parties may determine.—1900, p. 120.

3. If the judicatory refuse to grant a new trial upon the allegation of new testimony a Complaint may lie.

a. A *Complaint* from Mr. Francis Hindman against the Presbytery of New Castle, for not granting him a new trial in his case agreeably to the resolution of last Assembly, having been put into the hands of the Moderator, was read, together with several Papers accompanying it (and referred to a Committee) who were authorized to call for other Papers, and to cite witnesses, if they deem it necessary, and were directed to report to the Assembly the result of their attention to the subject.—1812, p. 496.

b. The Committee to which the Complaint of Mr. Hindman against the Presbytery of New Castle had been referred, reported, and the Report being read, was adopted, and is as follows, viz.:

That having carefully examined the Papers committed to them, and having heard Mr. Hindman in his own case, as also a member of the Presbytery of New Castle in explanation of their conduct, they find no cause of complaint against said Presbytery in their treatment of Mr. Hindman.—1812, p. 504.

4. Appeal remitted for new trial on new testimony.

The consideration of the *Appeal* of Mr. Todd, from the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Transylvania, by which decision Mr. Todd was deposed from the Gospel ministry, was taken up, and the following resolution was adopted, viz.:

The Assembly, having heard the documents in this case, were of opinion, that the way is not clear, at present, for the reversal of the sentence of suspension; but as it appears to the Assembly, that Mr. Todd's opinions have not been perfectly understood; and whereas there appears to have been some irregularity, as to the nature of the testimony admitted on the trial before the Presbytery; therefore,

Resolved, That the Presbytery of Translyvania be directed to reconsider the case of Mr. Todd; to afford him another opportunity of explaining himself; and, if they should be satisfied, to restore him to his former standing.—1817, p. 666.

5. A superior judicatory may not order a new trial without the allegation of new testimony.

Appeal of Mrs. M. J. Browning from a decision of the Synod of Geneva. The Committee report that it has read the decision appealed from, and the reasons assigned for the Appeal, and has heard the parties. They recommend that the General Assembly sustain the Appeal.

a. Because a superior court cannot order an inferior court to rehear a case already decided when no intimation of additional evidence is given.

[NOTE.—In cases of Appeal, irregularity of proceedings may require a new trial, which may be ordered. Case of H. Donald; 1882, p. 107.]

Nor can it pass by the next lower, in which the case has once been adjudicated.

b. Because in sending back the case, the Synod passed by the Presbytery in which the case had once been adjudicated.—1878, p. 34.

70. If, in the prosecution of an appeal, new evidence is offered, which, in the judgment of the appellate judicatory, has an important bearing on the case, it shall either refer the whole case to the inferior judicatory for a new trial; or, with the consent of the parties, take the testimony, and hear and determine the case.

1. On the ground of new testimony, the case referred.

The Judicial Committee reported on the Appeal of John Ward, from a decision of the Synod of Genesee, that having duly considered the case, they recommend that, on the ground of new testimony, the appellant be directed to apply to the church of Bergen for a new trial.—1829, p. 266.

2. The fact and importance of new evidence must be shown.

a. In the case of Rev. George Sheldon (see under Directory for Worship, Chap. xii, Sec. iii), the Assembly sustained the inferior courts, and in answer to a protest, reply:

1. The action of the Presbytery in the case was irregular, only technically, and not in such a sense as to vitiate the substantial justice of the result. The case had been on trial during a period of some three years, and ample opportunity had been given in this period for the accused to defend himself.

2. Although it is asserted, that only extracts from Mr. Sheldon's letters were admitted in evidence, yet it appears that one letter, and the most important one, is given in full; that the extracts from the other letters are undisputed, and that these fairly and clearly present the truth in the case.

3. As to the alleged new evidence, it appears that it was before the Judicial Committee of the Presbytery, and read in full before the Synod, and was unanimously decided by these judicatories to be no ground for reopening the case; and it also appears, that this testimony is wholly irreconcilable with statements made by Mr. Sheldon in the letters above referred to.

4. Inasmuch as the Assembly, after a full hearing of the case, by a vote of more than two thirds, decided that there have been no material deviations from the rules of the Book of Discipline for conducting judicial cases, it is deemed unnecessary at this late hour of their sessions, to reply further to the allegations of the protestants.—1858, p. 609, N. S.

b. Rev. L. R. Lockwood asks that the Assembly direct the Presbytery of Dubuque to grant him a new trial, on the ground of new testimony.

The Committee recommend that this application be referred to the Presbytery of Dubuque, to the end that if the new testimony be found of sufficient importance to justify, that Presbytery may afford Mr. Lockwood the relief he asks. But if, in their judgment, a new trial ought not to be granted, that then the Appeal shall stand for trial on the Record as now existing, before the next General Assembly.—1866, p. 72, O. S.

c. *On examining the new testimony the decision affirmed.*

The consideration of Mr. Gwinn's *Appeal* from the decision of the Synod of Pittsburgh was resumed; and the following decision in the case was adopted:

The Assembly, having carefully heard and considered the Appeal of Mr. Andrew Gwinn from a decision of the Synod of Pittsburgh affirming the judgment of the Presbytery of Ohio, adopted the following resolution, viz.: That *whereas*, in the judgment of this Assembly, it does not appear that the new testimony offered by Mr. Gwinn has in any important point changed the aspect of his case: therefore *resolved*, that the decision of the Synod in his case be affirmed.—1823, p. 90.

3. The Assembly, after investigation, refuses to refer the case, despite alleged new testimony, or to grant any further judicial trial.

The Judicial Committee in the case of the *Complaint* of Rev. James Smylie from a decision of the Presbytery of Louisiana, in the case of the Rev. Dr. Scott, recommended the following, which was adopted:

There are three ways in which this Complaint might be disposed of:

1. The Assembly might take it up, wade through the testimony, receive the new testimony that, it is understood, the complainant wishes to offer, to decide the case. But against this course, besides other difficulties, it may be mentioned as a very serious one, that the bare reading of the Records of the Presbytery would consume four or five days.

2. Another mode might be adopted, by referring the case for reconsideration to the Presbytery of Louisiana, who might be directed to take any new testimony that should be properly offered.

3. Or the General Assembly might remand the case to the Synod of Mississippi, to hear the Complaint, and dispose of it in a regular and Constitutional manner. This, it is deemed, would be the wisest course.

But, were either of these modes adopted, it would require a great consumption of time, and subject the judicature that might adjudicate on the case to great inconvenience and no inconsiderable expense; and instead of resulting in practical good, might produce great excitement and consequences injurious to the peace and edification of an important section of our Church. The testimony is so voluminous, that to form a correct judgment on it, would require a retentive memory, patient attention, diligent comparison of its several parts, as well as a discriminating mind. It is to be regretted that the Presbytery sanctioned by their authority the publication of the speeches on both sides of the question. . . .

The Committee recommend to the Assembly the adoption of the following resolution:

Resolved, That in view of the representation of the case given in the above statement by the Judicial Committee, of the voluminous nature of the testimony, and of the difficulties attending the case, and believing that the interests of the Church will be best promoted by adopting the course recommended by the Committee, and being willing to assume the responsibility of acting accordingly, this General Assembly do hereby terminate this unhappy case without any further judicial trial.—1847, p. 385, O. S.

CHAPTER IX.

OF THE WAYS IN WHICH A CAUSE MAY BE CARRIED FROM A LOWER TO A HIGHER JUDICATORY.

71. All proceedings of the session, the presbytery, and the synod (except as limited by Chap. xi, Sec. 4, of the Form of Government), are subject to review by, and may be taken to, a superior judicatory, by General Review and Control, Reference, Complaint, or Appeal.

[Note.—It is of the utmost importance that those consulting this Digest for guidance in connection with the carrying of causes to a higher judicatory on the basis of a "complaint" or an "appeal" should note the following facts:

First, prior to the adoption of the Constitution of 1821 no distinction was made between "a complaint" and "an appeal." The common form used was "we appeal and complain." Under this broad title any decision whatever was carried by any parties from the lower judicatories to the higher.

Second, The Constitution of 1821 defined "an appeal" to be "the removal of a cause already decided, from an inferior to a superior judicatory by a party aggrieved." Under the term "cause" all cases of whatever character which had been the subject of a decision by an inferior judicatory were included. Hence under the section of this Digest entitled "Of Appeals" will be found many decisions of cases which, under the present Book of Discipline would be acted on only as "complaints." They appear here in this Digest because of the questions decided.

Third, The Book of Discipline was very extensively amended in the year 1884. In connection with the changes made in the book at that time and subsequently, the definitions of "complaint" and "appeal" now contained therein were adopted. These definitions should be clearly understood and carefully borne in mind by all consulting the pages of this Digest, and all references to General Assembly actions in these earlier periods should be read with the fact in mind that the present distinction between a "complaint" and an "appeal" was not always as clearly recognized and followed, as the language of the book now requires.]

1. Review and Control.

There has been much confusion of thought as to the use and significance of this phrase, "Review and Control." The Book of Discipline, however, makes the meaning quite clear. Difficulty in understanding the phrase has arisen from applying it to two distinct things. Sometimes it is used to denote the general authority which superior judicatories have over inferior courts. In this sense, it refers to a broad principle which is fundamental in Presbyterianism. In other instances "Review and Control" is employed to express one specific power which the Constitution vests in superior judicatories, and which gives them the right to review the records of inferior courts, and, on their own initiative, if necessary, to demand the presentation of such records; or even to inquire into facts and conditions not stated or defined in the records, for the purpose of securing the transaction of the Church's business in an orderly and constitutional manner. This second use is the correct one.

It is perhaps unfortunate that this phrase, "Review and Control," is ever applied in the first sense, which makes it refer to a general power. The Constitution seems to give no warrant for such use of it. The title of Chapter ix, Book of Discipline, is "Of the Ways in Which a Cause May Be Carried from a Lower to a Higher Judicatory." Immediately under this title is Section 71 which reads as follows: "All proceedings of the Session, the Presbytery, and the Synod (except as limited by Chap. xi, Sec. iv, of the Form of Government) are subject to review by, and may be taken to, a superior judicatory, by General Review and Control, Reference, Complaint, or Appeal." Thus it will be seen that "General Review and Control" is one of four specific methods by which a matter may be removed from a lower to a higher judicatory, the other three being "Reference," "Complaint" and "Appeal."

This process of "General Review and Control" is further defined as follows: "All proceedings of the Church shall be reported to, and reviewed by, the Session, and by its order incorporated with its records. Every judicatory above a Session shall review, at least once a year, the records of the proceedings of the judicatory next below; and, if the lower judicatory shall omit to send up its records for this purpose, the higher may require them to be produced, either immediately, or at a specified time, as circumstances may determine." (Book of Discipline, Chap. ix, Sec. 72.)

It would not appear necessary to carry this explanation further by quoting other sections of Chapter ix, Book of Discipline. It is quite plain that "General Review and Control," notwithstanding the use of the adjective, represents a specific and not a general power. Perhaps the adjective is to blame for the looseness with which we sometimes employ this language. Undoubtedly there is a general authority vested by the Constitution in superior judicatories, an authority which is very broad and effective, but accuracy would require that it be not expressed in the phrase, "General Review and Control," which refers to an entirely different and subordinate classification of powers. Probably the single word "Review" would be a better designation for the more general idea.—Special Commission of 1925, *Minutes*, 1927, pp. 75, 76.

2. A judicial case can come before the Assembly only in some one of the above-mentioned ways.

The Judicial Committee reported that they have had under consideration the letter of the Rev. A. G. Fraser to this General Assembly—that Mr. Fraser states that he has been unavoidably prevented from personally prosecuting an Appeal from the decision of the Synod of New Jersey, of which due notice was given that Synod, and requesting the General Assembly to appoint a Committee of ministers and elders to hear and adjudicate the whole matter; or, if such a plan is not within the jurisdiction of the General Assembly, that then this matter of appeal stand over to their next stated meeting. The Committee recommended that the following answer be given, viz.: According to the Book of Discipline of our Church, there are but four ways in which the General Assembly can have cognizance of a judicial case. As neither of these ways is contemplated in the request of Mr. Fraser, the Assembly cannot, without a violation of Constitutional rules, take any action in the premises. In regard to a future prosecution of his Appeal, the appellant must present his case, with the reasons for previous failure, before the next General Assembly, whose province it will then be to decide upon the whole subject.—1850, p. 463, O. S.

I. OF GENERAL REVIEW AND CONTROL.

72. All proceedings of the church shall be reported to, and reviewed by, the session, and by its order incorporated with its records. Every judicatory above a session shall review, at least once a year, the records of the proceedings of the judicatory next below; and, if the lower judicatory shall omit to send up its records for this purpose, the higher may require them to be produced, either immediately, or at a specified time, as circumstances may determine. (See above, pp. 118, 130, 258, 268.)

[Note.—The first sentence of the Section makes it obligatory upon the Session to review and record all proceedings of the church in a congregational meeting; as, e. g., the election of elders and deacons; the fixing of the term of service under Form of Government, Chap. xiii, Sec. viii; the election of a pastor, or the request to Presbytery to dissolve the pastoral relation, and all other matters in which the congregation acts. It thus brings all the ecclesiastical proceedings of congregational (*i. e.*, church) meetings under the review and control of the superior judicatories.]

1. The incorporation of church proceedings is mandatory. Explanation of the meaning of this rule.

Overture from the Presbytery of Pittsburgh, relative to Sec. 71 [now 72], Chap. ix, of the Book of Discipline, asking, first, whether, under that Section, it is discretionary with church Sessions, to order the Minutes of congregational meetings to be incorporated with the Records of the Session, and second, if the rule is mandatory, what portion of the proceedings of the church must be included, and what may be omitted, and whether the Reports of Boards or Committees, i. e., those of trustees, must be included in the Records of the Session?

The Committee recommend that the following answer be given:

1. That the rule is not discretionary, but mandatory, that church Sessions shall order the incorporation of proceedings of congregational meetings with their own Records.

2. That it is in the power of church Sessions to direct that the proceedings of such meetings, or of the church (whether said proceedings are reported to the Session in the form of Minutes of meetings, or as Reports of Boards or Committees) shall be incorporated in the Sessional Records in such a manner, and to such an extent only, as will faithfully exhibit the action taken.

This construction of the rule in question is to be understood to apply to the proceedings of trustees in all cases, in which, under the laws of the places where they exercise their functions, their action is subject to review by the Session.—1887, pp. 117, 118.

2. The incorporation in Session Records of the Minutes of the Board of Deacons is discretionary.

Overture from the Presbytery of Washington City, relative to Sec. 71 [now 72], Chap. ix, Book of Discipline, whether under that article it is discretionary with church Sessions to order the Minutes of the Board of Deacons to be incorporated with the records of Session? *Answer:* It is discretionary.—1891, p. 107.

3. The incorporation in Session Records of the Minutes of the Board of Trustees is compulsory.

Overture No. 66 from the Presbytery of North River asking that the action of the Assembly of 1921 (p. 201) ordering that all Minutes of Boards of Trustees shall be entered on record of sessions be rescinded. It is recommended that no action be taken on this request.—1922, p. 198.

4. Actions of boards of trustees and other kindred bodies are to be reported to the Session.

Overture 51, from the Presbytery of Topeka, concerning the records of boards of trustees. We recommend that no action be taken on the *Overture*, but that the General Assembly make the following deliverance: the General Assembly calls attention to the law of the Church and advises that actions of boards of trustees and other kindred bodies be reported to the Session, and incorporated in the records of the Sessions as formal reports, but not as parts of the minutes of Session.—1924, p. 161. (See above, pp. 130, 497.)

5. Annual review of the Records of all the judicatories required.

a. *Whereas*, It appeared in the course of the free conversation on the state of religion, that in one of the Presbyteries under the care of the General Assembly, the Sessional Records of the several church Sessions were not regularly called up and examined every year by the said Presbytery, and there is reason to believe that other Presbyteries had conducted in the same manner; therefore,

Resolved, That it be and it hereby is required of all the Presbyteries within the bounds of the General Assembly annually to call up and examine the Sessional Records of the several churches under their care, as directed in the Book of Discipline.—1809, p. 429.

b. The Assembly, after seriously reviewing the order of the last Assembly, and maturely deliberating on the remonstrance of the Presbytery of Philadelphia against it, can by no means rescind the said order, inasmuch as they consider it as founded on the Constitution of our Church, and as properly resulting from the obligation on the highest judicatory of the Church to see that the Constitution be duly regarded; yet, as it is alleged that insisting on the rigid execution of this order, with respect to some of the church Sessions, would not be for edification, the Assembly are by no means disposed to urge any Presbytery to proceed, under this order, beyond what they may consider prudent and useful.—1810, p. 453.

[NOTE.—See this *Digest*, Form of Government, Chap. ix, Sec. ix, p. 130; Chap. x, Sec. viii, p. 230; Chap. xi, Sec. vi, p. 258.]

6. The Synods required to send up their Records annually.

Whereas, It is an essential feature of the government of the Presbyterian Church that the Records of all its Synods should be transmitted annually to its highest court—the General Assembly—for examination; and,

Whereas, This Assembly has painful evidence that this important regulation is by some of its Synods frequently, and by others entirely, neglected; therefore,

Resolved, That all our Synods be enjoined to take such order on this subject as shall insure hereafter a faithful observance of the above regulation; and in all cases where the Stated Clerks of any of our Synods have failed this year, or may hereafter fail, to obey their order, or the rule of the Assembly respecting this matter, such Synods are hereby required to judge of the reasons which such clerks may offer for their delinquency, and to excuse or censure them according to the circumstances of the case.—1839, p. 165, O. S.

[NOTE.—See also other decisions on p. 268 of this *Digest*.]

7. After Records have been approved corrections can be made only by recurrence to the judicatory approving.

Overture from the Session of the church of Wabash, Ind., on the following questions:

1. After the Records of a church Session have been examined and approved by the Presbytery, and those of the Presbytery, in like manner, approved by the Synod, has either the Session or the Presbytery a right or any authority to change or erase the record?

2. If not, has the Session any legal right to make a second record declaring the first erroneous and void?

The Committee recommended that the following answer be given:

A Record, once approved by a higher court, cannot be altered or annulled by a lower one. If there be an error in the Record, the remedy is to be sought by an application to the highest judicatory which has indorsed such mistake.—1862, p. 34, N. S.

8. Leave given to correct the Record on error shown.

On p. 51, Vol. ii (of the Records of the Synod of Cincinnati), a Minute is found stating that in 1878 there is a Record that had found its way among the proceedings of the Synod, although the same had not been ordered. The Records have been approved by the Assembly of 1879, with this error in them. The Synod asks permission of this Assembly to declare this Minute "to be no part of their proceedings." We recommend that the Synod have such permission.—1880, p. 81.

9. A Minute recording a fact can be amended or stricken out only by a unanimous vote or by a reconsideration of the original action.

It was moved to strike out the exceptions taken to the Records of the Synod of New Jersey. The Moderator suggested that the motion was out of order, but he would put it to the house; which having been done, the motion was sustained with the exception of one *No*. The Moderator then declared the motion lost, as a Minute recording a fact could not be amended but by a unanimous vote of the house, and he suggested that the case could be reached only by a motion to reconsider the vote of yesterday, by which the house refused to reconsider the vote adopting the report of the Committee on the Records of the Synod of New Jersey. On appeal, the Moderator's decision was sustained. The vote was reconsidered. The Report of the Committee was reconsidered and the Records approved.—1841, p. 424, O. S.

10. A case judicially issued may be reviewed.

A *Protest* against the Synod of Cincinnati in reviewing, under the power of review and control, certain actions of the Presbytery in the case of the Rev. Mr. McCune, which case had been judicially issued by the Synod. The Committee recommend that the action be approved, for reasons set forth in the answer to the protest.—1878, p. 118.

11. Copies of original Records accepted in certain cases.

a. The Records of the Synod of China, kept in Chinese, were accepted in a translated copy by the Assembly of 1871.

b. The Committee on the Records of the Synod of India reported that a certified printed English translation of the Minutes of the Synod had been placed in their hands. They recommend the approval of the Records extending from December 27, 1877, to January 3, 1878.—1878, p. 43.

12. Records in print must conform to the requirements.

[NOTE.—See in this *Digest*, Vol. I, pp. 272, 273.]

73. In such review, the judicatory shall examine, first, whether the proceedings have been correctly recorded; second, whether they have been constitutional and regular; and third, whether they have been wise, equitable, and for the edification of the Church.

[NOTE.—For decisions on Records, in addition to those which here immediately follow, see, in this *Digest*, Session, pp. 131, 132; Presbytery, pp. 230, 231, and Synod, pp. 258–267. It is important to consult the decisions given on the pages indicated.]

I. WHETHER THE PROCEEDINGS ARE CORRECTLY RECORDED.

1. Omitting to record the opening or closing with prayer.

a. The Records of the Synod of Pennsylvania approved, except that "there is no evidence from the Records that the last meeting of the Synod was opened with prayer."—1850, p. 314, N. S.; 1859, p. 531, O. S.; Kentucky, 1854, p. 501, N. S.

b. The Records of the Synod of Tennessee were approved, with the following exceptions:

1. On p 34 it appears from the Record that the Synod adjourned at the close of the day without prayer.

2. On p 36 it is recorded that the Synod was *constituted* with prayer, it being the second day of the sessions of the Synod.—1854, p. 500, N. S.

c. Records of Synod of Minnesota approved, except "that on p. 54, in the Record of the session of Friday, September 30, 1859, no mention is made of the opening services."—1860, p. 239, N. S.

d. The opening Minute of each session of the Synod of Cincinnati is defective, in not recording the meeting of the Synod before its being opened with prayer.—1849, p. 177, N. S.

e. Records of Synod of Cincinnati approved, except "that (on p. 5) the Synod adjourned without prayer."—1865, p. 553, O. S.

f. The Synod of Colorado took recess from 9.30 P. M. to 9.30 A. M., and did not close with prayer.—1887, p. 129.

[Note.—See also Synod of Colorado, 1887, p. 129; Texas, 1888, p. 135; Nebraska, 1889, p. 133; Indian Territory, 1889, p. 133.

Church Sessions are not required to open and close with prayer. See this *Digest*, p. 105.]

2. Failing to record absentees.

a. *Judicial case*, the protest of J. B. Roberts against the action of the Synod of the Pacific, in excepting to the Records of some of the Presbyteries in said Synod, on the ground that the names of the absentees are not recorded.

The Committee recommends that the action of said Synod be maintained as final.—1887, p. 68.

[Note.—See, also, in this *Digest*, Vol. I, p. 260.]

b. Records of Synod of Canadian.—1909, p. 241.

c. Records of Synod of Baltimore.—1917, p. 253.

d. Records of Synod of Illinois.—1913, p. 268.

e. Records of Synod of Mississippi.—1913, p. 268.

f. Records of Synod of East Tennessee.—1916, p. 256.

[Note.—For Exception in case of delegated Synods, see in this *Digest*, p. 270.]

3. Churches not represented must be recorded.

Synod of Tennessee. The unrepresented churches are not recorded.—1894, p. 181.

4. The roll should be called prior to adjournment.

The Minutes of the Synod of Kansas were approved, except that the roll was not called prior to the adjournment of the Synod, whereas it should have been called, and the names of absentees unexcused recorded, if there were any such, and if not, that fact recorded.—1895, p. 124.

5. Cases acted upon must be described, and the disposal made of them indicated.

a. Synod of Cincinnati. On pp. 6 and 13 a Complaint was received, referred and decided, without any statement in regard to the character of said Complaint.—1865, p. 553, O. S.

b. Synod of Philadelphia, except that it appears from p. 282 that an Appeal and Complaint was issued in the usual form without any intimation of what the sentence or proceeding was against which the Complaint was made; and that it appears, from p. 273, that another Complaint was issued without any Record of the proceeding complained of, or of the body whose proceeding was the subject of Complaint.—1852, p. 216, O. S.

c. The Synod of Baltimore, except that on pp. 327 and 348 the Synod records the issuing of *Judicial Cases No. 1* and *No. 2*, but in neither case is the subject matter of the Complaint recorded.—1885, p. 661.

[Note.—See also in this *Digest*, pp. 262, 263, 267.]

6. Incompleteness of Record as to mention of names.

Synod of Illinois. There is no mention of the party who complains against said Presbytery. There is no mention made of the Presbytery against which Complaint is made. For its incompleteness we object to this Record.—1899, p. 120.

[Note.—See, also, this *Digest*, under Synods, p. 258.]

II. WHETHER THEY HAVE BEEN CONSTITUTIONAL AND REGULAR

1. Unconstitutional and irregular proceedings.

a. The Synod of Philadelphia (Resolution 3), annuls a sentence of suspension, and in Resolution 4 substantially acknowledges the justice of the sentence thus annulled.

The Synod interposes to restore a man to the exercise of the ministry of the Gospel who, they acknowledge, has frequently made representations without due regard to truth and candor. Thereupon

Resolved, That the Assembly direct the Synod to review and amend the Record on p. 18, in the case of the Appeal from the Presbytery of Donegal. Discipline (Old), Chap. vii, Sec. i, Subsecs. ii, iii.—1858, reprint, p. 565.

b. The Committee appointed to examine the Records of the Synod of Geneva reported, and the book was approved to p. 257, with the following exception, viz.: That the Synod decided improperly in saying that the Complaint of D. C. Hopkins was not strictly sustained, while they at the same time say that each and every act of the Presbytery of Onondaga complained of was irregular and improper.—1822, p. 40.

2. A Synod may not institute and prosecute judicial proceedings.

That the proceedings of the Synod of Cincinnati, in the institution and prosecution of judicial process against William Graham, subjecting him first to censure, and afterwards to suspension, under which he now labors, are unconstitutional and irregular, therefore null and void; and that the Synod be, and is hereby, enjoined to take Constitutional action in the case, and to revise and correct its proceedings accordingly. While the Assembly thus speak on the Constitutionality of the matter, they do it without reference to the error or truth of the sentiments he advocated. —1846, p. 31, N. S.

3. A Synod may not refuse to receive the members of its Presbyteries.

a. The Records of the Synod of Michigan were approved, with the following exception: That on pp. 137–140, the Synod declined to receive two members whose names appear on the Minutes of two of the Presbyteries, and that the Synod also directed said Presbyteries to strike the names of said members of Presbytery from their roll, one of the members belonging to the Presbytery of Monroe, the other to the Presbytery of St. Joseph.—1849, p. 176, N. S.

b. The Records of the Synod of Indiana approved, with the following exception:

On pp. 157 and 158 the Record declares that Synod refused to enroll the Rev. E. B. Smith, because he had made no public contradiction of the fact that his name appears in the public prints as a signer of the Declaration and Testimony, although he privately informed the Stated Clerk of Synod that he had neither himself signed the Declaration and Testimony, nor authorized any one to sign it for him, as appears from p. 153 of the Records.

It seems to the Committee that the Synod should have directed the Rev. Mr. Smith to make a public contradiction before taking further action, because, as the Record now stands, it implies that the Synod has no confidence in his statements. If his statements are unworthy of belief he should be disciplined. The Committee recommend that the Synod be directed to review its action.—1867, p. 357, O. S.

c. *Overture* on the doings of the Synod of Michigan, the matter of enjoining the Presbyteries of St. Joseph and Monroe to erase the names of Rev. Marcus Harrison and Rev. A. L. Payson from their rolls, was taken up. It was *Resolved,* That the action of the Synod in the premises is unconstitutional.—1849, p. 177, N. S.

4. A superior judicatory may not compel an inferior court to reverse its decision, without assigning specific reasons.

Synod of Pittsburgh. Inasmuch as it is contrary to the spirit and principles of the Presbyterian Church, and subversive of the true design of ecclesiastical discipline, for a superior judicatory to compel an inferior court to reverse its decision, rendered after a full, fair and impartial trial, without assigning and placing on record some specific reason for such reversal,—that the Records, so far as they relate to this point in the case, be disapproved.—1874, p. 86. (See this *Digest*, pp. 574, 728, 733.)

5. The reasons assigned are subject to review.

The Records of the Synod of Kentucky were approved, with the following exception:

On pp. 128 and 129, the Synod except to the action of a Presbytery in approving the Sessional Records of a certain church, because of the alleged irregularity of said Session in receiving members into the church on return of certificates alone, after undue length of time, knowledge of such irregularity being brought to the Synod's notice by a protest (Book of Discipline [Old] Chap. ii, Sec. ii). Your Committee recommend that exception be taken to this action of the Synod, because in their judgment the Synod's exception to the Presbytery's action is not well taken; for the reason that it appears to your Committee, from Papers placed in their hands, and which ought to have been in the Synod's possession before taking action in the case, that the parties in question had good and sufficient reasons for such delay: being unsettled as to a permanent home, their moral and religious life meantime being well known to all the Session as fully comporting with the requirements of the Gospel of Christ.—1880, p. 79.

[NOTE.—See below, Book of Discipline, Sec. 114.]

6. Censure without due examination condemned.

The Records of the Synod of the Pacific approved, with the following exception, viz., that on p. 632 a Committee, appointed to answer a protest, report that they have not had time to examine the authorities referred to, yet proceed to pass severe judgment in the case.—1882, p. 94.

7. No second approval of the Minutes necessary.

Overtures from the Presbyteries of Kittanning and Butler, respectively, asking whether it is necessary formally to approve, after they are engrossed, Minutes which were approved before they were engrossed? Your Committee recommend that the answer be as follows:

It is the regular custom of our Presbyteries to read all Minutes at the close of the session from the original copy for approval, and to record such approval in the Minutes themselves. It is usual to read the engrossed copy at the next session of Presbytery for information, and if clerical errors be discovered they should be corrected by resolution, but no second resolution for the approval of said Minutes is or should be required.—1892, p. 188.

[NOTE.—See, also, in this *Digest*, p. 271.]

III. WHETHER THEY HAVE BEEN WISE, EQUITABLE, AND FOR THE EDIFICATION OF THE CHURCH.

1. The lower judicatories must respect the decisions of the superior.

a. The Records of the Synod of Missouri were approved, except a resolution on p. 324, viz.: "That the action of the General Assembly in May last, in relation to the political condition of the country, was unscriptural, unconstitutional, unwise, and unjust; and we therefore solemnly protest against it, and declare it of no binding force whatever upon this Synod, or upon the members of the Presbyterian Church within our bounds."—1862, p. 631, O. S.

b. The Records of the Synod of Kentucky were approved with the following exception:

That this General Assembly cannot approve the Synod's disapproval of the action of the Assembly of 1861, as recorded in the Synod's Minutes on pp. 49 and 50.—1862, p. 631, O. S.

2. Synods censured for insubordination and disrespect.

a. *Resolved*, That this Assembly does not approve the Records of the Synod of Missouri; that so much of said Records as attempt to declare null and void the previous action of the Synod, which had been formally approved by the Assembly, is an act of insubordination, which said Synod is hereby required to reconsider and reverse; that they report to the next Assembly what they have done or failed to do in the premises and until that time the usual certificate of the Moderator be withheld.*

* The next year, the Synod having complied with the requirements of the Assembly, as appeared from an official transcript of its Records on the subject read to the Assembly, the Moderator was directed to approve the Records of the Synod of Missouri of last year.—1867, p. 316, O. S.

The remaining portion of the Report was then adopted as follows:

On p. 365, where the Synod reaffirm their testimony of November, 1861, with regard to the action of the Assembly of the same year, known as the Spring Resolutions—which testimony declares the action of that Assembly on the state of the country to be "unscriptural, unconstitutional, unwise and unjust; of no binding force whatever on this Synod, or upon the members of the Presbyterian Church within our bounds."

The Committee also recommend that, besides excepting to the Record as above stated, the repeated exhibition of such a rebellious spirit, on the part of any inferior court toward the supreme judicatory of the Church, should not pass without censure.—1866, p. 97, O. S.

b. The Committee recommended approval with the following exception: The Synod of Albany claim and exercise the right of disregarding the exceptions to their Records by the General Assembly of 1847, which they consider disrespectful and disorderly.—1848, reprint, p. 42, O. S.

c. Finally, the Assembly cannot but express their disapprobation of the concluding paragraph of the Memorial of the Synod of Ohio, in which they say, "the Synod consider the judgments entered upon their Records against Samuel Lowery in October, 1822, as remaining in full force," etc.

This declaration, notwithstanding the respectful expressions of the Synod, is apparently wanting in the respect due from an inferior to a superior judicatory; and is repugnant to the radical principles of the government of the Presbyterian Church. If an inferior court has authority to declare that its own decisions are in force, after they have been reversed by a superior court, then all appeals are nugatory, and our system, as it relates to judicial proceedings, is utterly subverted. The Assembly are willing to believe, however, that the Synod of Ohio did not mean to set themselves in opposition to the highest judicatory of the Church, and that when they have reconsidered the matter, they will rescind what is so manifestly inconsistent with the principles of the Constitution, which they have bound themselves to support.—1824, p. 116.

3. Irregularities recited and animadverted on. Complaint will lie against decisions not judicial. Action insufficient and unjust. A member of the court may be called as a witness. Minutes should be approved before adjournment.

The Minutes of the Synod of Cincinnati were approved, with the following exceptions:

a. Exception 1. The dismissal of *Complaints Nos. 2, 3, 4, 5* the Paper entitled *Appeal No. 6* (pp. 345–347); and the Complaint of the Rev. Thomas H. Skinner (pp. 441, 442), on the ground that they were not from judicial decisions.

b. Exception 2. That the action of Synod in reference to the case of the Rev. N. West, D.D., against the Rev. B. P. Aydelotte, D.D., was both insufficient and unjust. The action referred to is the first exception to the Minutes of the Presbytery of Cincinnati, adopted November 20, 1877, and is as follows: "The Presbytery seems to have gone to the extreme of leniency in being satisfied with Dr. B. P. Aydelotte's explanation of an article published in the *Christian Press* of May, 1876, which Dr. N. West deemed slanderous, and for which he tabled charges against the author. We do not mean to say that judicial process should have been instituted, but we think Dr. Aydelotte should have been exhorted to be more careful in publishing articles capable of so offensive a personal interpretation." The Synod, in view of their own declarations, should either have directed the Presbytery to entertain the charge of Dr. West, or to have adopted a Minute declaring him free from the imputations of published articles which they declared capable of an "offensive personal interpretation," especially in view of the complete vindication of Dr. West by the Presbytery a few weeks before (see Minutes of the Presbytery of Cincinnati, at Glendale, April 13, 1876).

c. Exception 3. That the action of Synod in reference to the second exception (printed p. 27) is manifestly insufficient and unjust; each action of the Presbytery, if it was as Synod declares it to be, should have called down upon the Presbytery the severest rebuke for malfeasance.

And further, there seems to be no evidence of any kind, on the Records of the Presbytery, of any such statements made by Dr. West as are alleged to have been made in *Resolution 2* of the Judicial Committee of the Presbytery; and the fact that said resolution was adopted a year subsequent to the time alluded to, and in the absence of Dr. West, and the Synod's own statement that it seems to have been prepared for a purpose, demand that the said resolution be expunged from the Records of the Presbytery of Cincinnati.

d. Exception 4. That the action of Synod in reference to the third exception (printed p. 27) is insufficient and unjust, because the act barely disapproved, involved the subjection of Dr. West, without cause, in a matter of private affliction, to the suspicion of improper conduct, when a Committee of the Presbytery, in a Report approved by the Presbytery, had declared themselves satisfied as to the propriety of his conduct. The action of the Presbytery should have been rebuked.

e. Exception 5. In not sustaining Exception 2 to the Minutes (p. 409), in the following words, "Denying to the prosecution the right to introduce members of the court on the spot, without a citation, to disprove and rebut certain testimony of the defense."

f. Exception 6. In not approving the Minutes of the last day of the meeting of the Synod at Cincinnati, February 14, 1878, before their adjournment.—1878, pp. 117, 118.

4. The approval of the Minutes does not affect the right of appeal or complaint against any action taken.

Overture from Rev. Luther Dodd, a member of the Presbytery of Fort Dodge, asking the General Assembly to reply to the following questions:

1. Does the approval of the Minutes of a lower court, as those of a Presbytery by a Synod, not necessarily carry with it an approval of any and every judicial decision recorded in those Minutes?

2. Is it competent for a Synod, having approved the Records of a Presbytery, to remand a case recorded in those Records for new trial, on grounds reflecting censure on the Presbytery?

3. Or would it be proper for a Synod, in a case where they approve the Minutes of Presbytery, to require a new trial on any other grounds than alleged new testimony?

The Committee recommended the following reply: The Constituted right of appeal, "either from a part of the proceedings of a judicatory or from a definitive sentence," and the right of complaint "respecting a decision by an inferior judicatory," "either before its rising, or within ten days thereafter," cannot be in any way affected by the approval of the Minutes of the judicatory, against the action of which the Appeal or Complaint may be taken.—1879, p. 613.

5. The approval of the Minutes does not validate all action had.

a. A Memorial from the Synod of Minnesota with reference to the relation of the churches of Douglass County, Wis., to the Presbytery of Duluth.

Answer: The approval of the Minutes of the Synods of Wisconsin and Minnesota by the General Assembly of 1889 does not make valid the action taken by said Synods in relation to the churches of Douglass County, Wis.—1890, pp. 128, 129.

b. A Memorial from the Synod of Minnesota, inquiring whether the approval by the General Assembly of the Minutes of Minnesota and of Wisconsin did not carry with it a grant of their Petition for a change in the boundaries of the two Synods. Recommended that the inquiry be answered in the negative.—1890, p. 130.

6. Review and control does not extend to statistical items in Session Records.

Overture from the Presbytery of Chicago, on the following points:

Does the right of "general review and control" extend to the statistical items of baptisms and administrations of the Lord's Supper, inserted for record and convenient reference, in chronological order, between the Minutes of actual proceedings?

7. Nor to the agreement of the action of Sessions with Presbyterial rules for Sessions, not warranted by the Constitution.

Can the Presbytery pass rules for the conduct of church Sessions, and then take exception to the proceedings of church Sessions that are not according to said rules, when the rules are not prescribed by our Form of Government or Book of Discipline?

Your Committee recommend that both these questions be answered in the negative.—1883, p. 631.

8. Action modified or reversed by the reviewing judicatory may be excepted to.

a. The Records of the Synod of California were approved except so far as the actions therein recorded have been modified or reversed in *Judicial Cases Nos. 5, 6* and *7*.—1896, p. 154.

b. Synod of Pennsylvania, except:

So much of the Record as refers to the West Elizabeth church case (pp. 47, 48), the judgment of the Synod being reversed by the General Assembly (see *Judicial Case No. 2*, p. 85).—1896, p. 155.

74. Members of a judicatory, the records of which are under review, shall not be allowed to vote thereon.

1. Cases cited.

a. A *Protest* signed by a number of members of the Synod of Geneva, against a decision of that Synod, excluding the Presbytery of Geneva from voting on the question, Whether their own Records should be attested by the moderator of the Synod as approved. Your Committee were, however, of opinion that the decision of the Synod was consonant to the prevalent usage of the judicatories of the Presbyterian Church, as well as to the usage of other analogous bodies in similar cases, and that it ought therefore to be approved.—1816, p. 611.

b. The Records of the Synod of Kentucky approved, except "that the members of the West Lexington Presbytery voted in approbation of their own proceedings, which is deemed to be irregular."—1821, p. 23.

c. The moderator and elder from the Session of Irish Grove claimed the right to vote on the disapproval of their Records; which was refused by Presbytery. The Session complained. The Assembly *inter alia* decide:

That the Presbytery of Sangamon acted correctly in not permitting the members of Irish Grove Session to vote for approving or disapproving their own Records.—1851, p. 33, O. S.

[NOTE.—See also this *Digest*, Vol. I, under Book of Discipline, Secs. 91 and 98.]

75. In most cases the superior judicatory may discharge its duty, by simply placing on its own records, and on those under review, the censure which it may pass. But irregular proceedings may be found so disreputable and injurious, that the inferior judicatory must be required to review and correct, or reverse them, and report, within a specified time, its obedience to the order: *provided*, however, that no judicial decision shall be reversed, unless regularly taken up on appeal.

1. The Assembly may not reverse the judicial acts of a former Assembly, except in case of manifest injustice.

a. This Assembly has no authority to reverse the judicial acts of a former General Assembly, except in cases of such palpable error as would manifestly tend to interfere with the substantial administration of justice. Case of S. Lowry.—1824, p. 115.

b. This Assembly are of opinion that the correct mode of proceeding for the last Assembly would have been to have suspended the decision on the Appeal, until the Records of the inferior judicatories should have been present, because the rules in our Form of Government prescribe, that before a judgment is given, all the proceedings of the inferior judicatories in the case should be read, and it is a sound maxim, generally admitted in courts of justice, that the best evidence which the case admits of should be required, which in all trials is undoubtedly the Record of the judicatory. But while they entertain this opinion of the mode of proceeding, they believe that the decision of the last General Assembly was substantially correct, and was not different from what it would have been if they had had all the proceedings of the inferior judicatories before them. —*Ibid.*

c. A Memorial of the pastor and ruling elders of the church of Bloomington, Ill., in respect to the decision of the last Assembly upon the Appeal of Dr. T. F. Worrell.

The Committee recommend that this Memorial be dismissed, on the ground that it is not competent for this Assembly to revise the proceedings of a previous Assembly in a judicial case.—1864, p. 313, O. S.

2. But will correct error when shown to exist.

In the case of the Memorial of the Synod of Onondaga (see *Minutes*, 1864, p. 474, N. S.), it was determined *inter alia* as follows:

In view of the whole case, your Committee further find that the last Assembly seem to have acted without such a knowledge of all the facts of the case as a regular presentation of the Complaint and the Record would have given them; and that, therefore, the case is one which justifies the action of this Assembly in relief of the Synod.

Your Committee further find that the action of the Synod was scrupulously conformed to the requirements of our Book.

They had the right to send the case back to the Presbytery, or to review the whole of it, according to their discretion. It is not for this court to decide which would have been the wiser course. The Synod judge it best to review the whole case, and their discretion is not a matter of review by this body.

Your Committee, therefore, recommend:

That the requisition of the last Assembly on the Synod of Onondaga be rescinded, and that the case be dismissed.

While the Committee come to this conclusion, they feel constrained also to express decidedly their disapproval of the language of the Synod, pronouncing the action of the Assembly "unjust and unconstitutional."—1864, p. 475, N. S.

3. The Assembly, on Memorial, and error proven, revokes its action and remands the case.

Paper No. 3 is a Memorial of the Presbytery of Furrukhabad to the General Assembly, dated February 21, 1884, asking that the resolution of the last General Assembly, censuring the said Presbytery, and directing it to reconsider its action in restoring Rev. John S. Woodside to the ministry (see *Minutes*, p. 628, 4), be revoked, and that the case be referred to the Synod of India for final adjudication.

1. Your Committee find that said action was taken upon a Complaint of the Presbytery of Saharanpur against the Board of Foreign Missions, for employing Mr. Woodside while under sentence of deposition by said Presbytery of Saharanpur.

2. That the Presbytery of Furrukhabad was not complained of, nor even named or referred to in said Complaint.

3. That the Presbytery of Furrukhabad was not notified of the presentation of said Complaint, nor was it cited to appear in answer to the same, nor to give reasons for its action; it had no representative in the Assembly, and its Records were not before the Assembly or its Committee; the Presbytery, therefore, had no opportunity to defend itself nor to justify its action before the General Assembly.

All the facts in respect to the deposition and restoration of Mr. Woodside took place in India, and the Synod of India, being on the ground, has means and facilities for examining the case and reaching a just and fair decision upon all the merits of the question at issue between the Presbyteries which it is difficult, if not impossible, for the General Assembly to avail itself of; and to that Synod the whole matter should, in the opinion of your Committee, be remitted for determination, subject to final review in a regular way by the General Assembly.

Your Committee, therefore, recommend the following resolution:

Resolved, That the resolution of the last General Assembly (*Minutes*, p. 628, 4), in respect to the action of the Presbytery of Furrukhabad, in restoring John S. Woodside to the ministry, and the direction there given to the Presbytery, be and they are hereby revoked, and that the whole case be and the same is hereby referred to the Synod of India, for its review, examination and adjudication, according to the Constitution of the Church.—1884, pp. 108, 109.

4. Exceptions must be recorded by the judicatory excepting.

a. *Overture* from the Presbytery of Columbus, requesting the Assembly to direct the insertion, in the *Minutes* of this Assembly, of the exceptions taken by the last Assembly to the Records of the Synods of Cincinnati, Illinois Central, Indiana North, New Jersey, and Tennessee, as noted on p. 580, *Minutes* of 1877; and further, to direct the Clerks hereafter carefully to observe the Constitutional Rules in this respect.

The Committee recommend the following answer:

That while the Assembly does not deem it expedient to order the insertion of the exception taken to the Records of the Synods in question the last year, it calls the particular attention of the recording clerks of the General Assembly to the duty of complying with the requirements of the Book of Discipline (Old), Chap. vii, Sec. 1, Subsec. iii.—1878, p. 27.

b. The Records of the Synod of Indiana approved, "except that on p. 342 the Records of Greencastle Presbytery are reported as approved, with exceptions, while these exceptions are not spread on the Minutes of the Synod, as required by the Book of Discipline (Old), Chap. viii, Sec. 1, Subsec. iii."—1857, p. 387, N. S.

c. Synod of Wheeling, p. 409, The exceptions to the Records of New Lisbon Presbytery are not recorded, in violation of the Book of Discipline (Old), Chap. vii, Sec. 1, Subsec. iii.—1859, p. 550, O. S.

d. The Synod of Illinois North, except the omission from Record of the exceptions to the Minutes of the Presbytery of Chicago, which, it is stated on p. 285, were adopted by the Synod.—1881, p. 593.

[Note.—See Moore's *Digest*, 1886, p. 665.]

5. Irregular and injurious proceedings censured. Reasons for discipline must be given.

Exception to the Records of the Synod of Onondaga. "On p. 186 we find the Synod administering censure to the Presbytery of Cayuga for an act of discipline toward one of its churches on the ground that the reasons for such discipline were not given according to the requirements of our Book of Discipline, yet on the next page we find the said Synod reaffirming the acts of a church censured by its Presbytery, and reversing the decision of the Presbytery, without giving the required reasons for such a singular proceeding."—1863, p. 277, N. S.

[Note.—See, also, under Sec. 73, p. 609.]

6. Judicial decisions may not be reversed on review, but must be respected until passed upon by the superior judicatory.

[In a case where the organization of a Presbytery was irregular, see Form of Government, Chap. x, pp. 134 and 135. The Assembly *inter alia* declare:]

a. The Book of Discipline (Old), however, prescribes, Chap. vii, Sec. 1, Subsec. iv, that "no judicial decision of a judicatory shall be reversed unless it be regularly brought up by appeal or complaint."

The trial of a minister under the circumstances proposed in the Overture, must be regarded as any other trial, where there has been informality or irregularity in the citation, or other preliminary stages of the process. The trial, with the judgment based upon it, must be respected, until the Synod, as the superior judicatory, shall judge how far the irregularity vitiates the proceedings, and defeats the ends of justice, and shall annul or confirm the same.—1861, p. 457, N. S.

b. The Synod likewise seems to have erred in censuring as they did the Committee of the Miami Presbytery, and in acting inconsistent with Constitutional Rules (Discipline, Old), Chap. vii, Sec. i, Subsecs. ii and iv, by virtually reversing a judicial decision, and this without citing the Presbytery to appear and answer, on the mere review of their Records.—1857, p. 45, O. S.

[Note.—See, above, under Sec. 73, p. 609; 1874, p. 86; and 1879, p. 613.]

7. A judicial decision cannot be reversed by review of Records.

The Synod (N. J.) having entertained a *Complaint* against the Presbytery of Monmouth for a certain action, and tried the case by a Judicial Commission, which rendered a judgment sustaining the Presbytery, subsequently recorded an exception to the Minutes of said Presbytery because of the action complained of, thus by an administrative act reversing a judicial decision. It is recommended that the Synod be instructed to review its action and make it consistent.—1901, p. 165.

[Note.—See also this *Digest*, Vol. I, Bose Case, Book of Discipline, Sec. 99 (4), p. 706.]

8. On review a Synod is directed to review and correct its proceedings.

With respect to the irregularity of its proceedings, the Assembly directs the Synod of Atlantic to review and correct so much of its proceedings as were of a judicial character (case of James A. Rainey, 1891, p. 144) in accordance with the provisions of the Book of Discipline, Sec. 74 [now 75], care being had, in such correction, to the direction of this Assembly in the matter of the Appeal of the Rev. James A. Rainey against the Synod of Atlantic.—1891, p. 188.

76. If a judicatory is, at any time, well advised of any unconstitutional proceedings of a lower judicatory, the latter shall be cited to appear, at a special time and place, to produce the records, and to show what it has done in the matter in question; after which, if the charge is sustained, the whole matter shall be concluded by the judicatory itself, or be remitted to the lower judicatory, with directions as to its disposition.

76*a*. No party to any appeal or complaint to any superior judicatory shall circulate, or cause to be circulated, among members of said judicatory, any written or printed arguments or briefs upon any matter in question, before the disposition of the question by the judicial committee or other body hearing the same, except by request or direction of the committee or body charged with the consideration thereof.

[NOTE.—See this *Digest*, Vol. I, Form of Government, Chap. xii, Sec. v, p. 285, and Book of Discipline, Sec. 77.]

77. Judicatories may sometimes neglect to perform their duty, by which neglect heretical opinions or corrupt practices may be allowed to gain ground, or offenders of a gross character may be suffered to escape; or some part of their proceedings may have been omitted from the record, or not properly recorded. If, therefore, at any time, the superior judicatory is well advised of such neglects, omissions, or irregularities on the part of the inferior judicatory, it may require its records to be produced, and shall either proceed to examine and decide the whole matter, as completely as if proper record had been made; or it shall cite the lower judicatory, and proceed as in the next preceding section.

1. Citation of judicatories on review or on advice.

Resolved, 1. That the proper steps be now taken to cite to the bar of the next Assembly such inferior judicatories as are charged by common fame with irregularities.

2. That a Special Committee be now appointed to ascertain what judicatories are thus charged by common fame;* prepare charges and specifications against them; and to digest a suitable plan of procedure in the matter; and that said Committee be requested to report as soon as practicable.

3. That, as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly; therefore,

Resolved, That agreeably to a principle laid down in Chap. v, Sec. ix, of the Book of Discipline (Old), the members of said judicatories be excluded from a seat in the next Assembly, until their case shall be decided.—1837, p. 425.

2. Primary inquiry in certain cases belongs to Synod. Deliverance as to forms of modern unbelief.

Overture No. 66, from the Presbytery of Westminster, is as follows:

"The Presbytery of Westminster would respectfully overture the General Assembly to inquire if it be true that the Presbytery of Nassau persists in keeping upon its roll of ministerial members one or more persons who are not in accord with the doctrines of our Church, and who publicly denounce many of those doctrines which we believe essential and lie at the very foundations of the Christian religion." It is recommended that no action be taken, Section 76 of the Book of Discipline indicating that the primary inquiry belongs properly to the Synod of New York, to which judicatory the Presbytery of Nassau is immediately inferior.

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* "Common Fame" is not recognized by the present Book of Discipline as an accuser. A judicatory can act only when "well advised," *i. e.*, by competent and credible testimony, whether of person or of record. See this *Digest*, Vol. I, Book of Discipline, Sec. 7, p. 553.

However, your Committee proposes that the following Minute be adopted, viz.:

Resolved, That, in view of the many forms of modern unbelief which are at once insidious in their approach, unblushing in their insolence, and disastrous in their results, this General Assembly solemnly calls upon all its Presbyteries and ministers and people to be loyal to all the great doctrines of our historic faith, and while according generous respect to the varying views of others who are one with us in acknowledging Jesus Christ as Divine Saviour and Lord, at the same time also to guard with jealous care and loving pride the integrity and purity of that faith which we solemnly believe to be taught in Holy Scripture, which by the blessing of God has made Presbyterianism so great a power for good in the past, and which in its soundness and sustained vigor is to be its peculiar trust and honor in the time that is to come.—1905, p. 83.

II. OF REFERENCES.

78. A Reference is a representation in writing, made by an inferior to a superior judicatory, of a judicial case not yet decided. Generally, however, it is more conducive to the public good that each judicatory should fulfill its duty by exercising its own judgment.

1. Reference is voluntary.

Appeal of Mrs. M. J. Browning from a decision of the Synod of Geneva, sustained, *inter alia,*

Because reference is by a lower to a superior court, and is voluntary, and not subject to the order of a higher court.—1878, p. 34.

[NOTE.—See this *Digest,* Vol. I, Form of Government, Chap. x, Sec. vii, p. 227; Complaint of Sewickley Church.]

79. Cases which are new, important, difficult, or of peculiar delicacy, the decision of which may establish principles or precedents of extensive influence, on which the inferior judicatory is greatly divided, or on which for any reason it is desirable that a superior judicatory should first decide, are proper subjects of reference.

1. References have been entertained.

a. The Synod of the Carolinas referred to the Assembly the case of Rev. Hezekiah Balch, charged with error in doctrine.—1798, p. 151.

b. The Presbytery of Philadelphia on the propriety of their ordaining to the work of the Gospel ministry a licentiate under their care who now holds the office of a chaplain in the navy of the United States. See Form of Government, Chap. xv, Sec. xv.—1826, p. 171.

c. The Presbytery of Cayuga relative to the Constitutionality of a rule of that body. See Form of Government, Chap. x, Sec. viii.—1830, p. 284.

d. The Synod of Philadelphia in relation to the right of Presbyteries to require every minister or licentiate, coming to them by certificate from another Presbytery or other ecclesiastical body, to submit to an examination before he be received.—1832, p. 355.

e. A reference from the Presbytery of West Tennessee, requesting an answer to the two following questions, viz.: "1. What are the nature and duties of the office of deacons? 2. What is the Scriptural and appropriate mode of ordination?" was taken up, and after some discussion committed to Mr. Beach, Mr. Vail and Mr. Hoyt.—1833, p. 393.

f. From the Presbytery of Chenango, asking advice in the case of Rev. Edward Andrews, a member of that body, who had recently withdrawn, and received Episcopal ordination.—1828, p. 239.

2. When the review of a decision without new testimony is desirable, the case should be referred to the next higher judicatory.

The Committee to whom was referred *Overture No. 2* made a Report, which was read and adopted, and is as follows, viz.:

The Committee appointed to consider and report on *Overture No. 2*, which is in the following words: "Is it lawful and consistent with the order of our Church for a church court to reconsider and set aside its own decision in a case of discipline, after a lapse of five or six years from the time the decision was made, after the court has so changed that many of its members were not members at the time of the decision, and when no new testimony is proposed?" beg leave to report that, in their opinion, the proper answer to this Overture will be found included in the following principles, viz.:

1. Our Book of Discipline (Old), Chap. ix, Sec. 1, provides that if, after a trial before any judicatory, new testimony be discovered, which is supposed to be highly important to the exculpation of the accused, it is proper for him to ask, and for the judicatory to grant, a new trial.

2. It is very conceivable that after the lapse of five or six years the sentence of an ecclesiastical court, which was originally considered as just and wise, although no new testimony, strictly speaking, has appeared, may in the view of the Church appear under an aspect equivalent to new testimony, and calling for reconsideration; yet,

3. Inasmuch as the frequent reconsideration of cases adjudged by the inferior judicatories, without the appearance of new testimony, admits of great and mischievous abuse, and might lead to an endless recurrence of reviews and reversals of former decisions, in the absence of a majority of the court pronouncing the same; it is evidently more regular, safe and for edification, when a review of a decision, without the disclosure of new testimony, is thought desirable, to refer the case to the next higher judicatory.—1833, p. 405.

80. References are, either for mere advice, preparatory to a decision by the inferior judicatory, or for ultimate trial and decision by the superior; and are to be carried to the next higher judicatory. If for advice, the reference only suspends the decision of the inferior judicatory; if for trial, it submits the whole case to the final judgment of the superior.

1. Reference. Disposal of the Barnes Case.

The Permanent Clerk announced to the Assembly that there had been put into his hands a reference from the Presbytery of Philadelphia of the whole case of the Rev. Albert Barnes before that body. This case was referred to the Judicial Committee.—1831, p. 321.

Against the reference above a Complaint was entered, as also a Complaint against the action of the Presbytery in the case. After the whole proceedings of the Presbytery had been read, and the sermon entitled "The Way of Salvation," the parties then agreed to submit the case to the Assembly without argument, when it was resolved to refer the whole case to a select Committee. Dr. Miller, Dr. Matthews, Dr. Lansing, Dr. Fisk, Dr. Spring, Dr. J. McDowell, Mr. Bacon, Mr. Ross, Mr. E. White, Mr. Jessup and Mr. Napier were appointed this Committee.—1831, p. 325.

Subsequently, the Committee to whom was referred the whole case in relation to the Rev. Albert Barnes made a Report, which being read was adopted, and is as follows, viz.:

That after bestowing upon the case the most deliberate and serious consideration, the Committee are of the opinion that it is neither necessary, nor for edification, to go into the discussion of all the various and minute details which are comprehended in the documents relating to this case. For the purpose, however, of bringing the matter in controversy, as far as possible, to a regular and satisfactory issue, they would recommend to the Assembly the adoption of the following resolutions, viz.:

Resolved, 1. That the General Assembly, while it appreciates the conscientious zeal for the purity of the Church, by which the Presbytery of Philadelphia is believed to have been actuated in its proceedings in the case of Mr. Barnes; and, while it judges that the sermon by Mr. Barnes, entitled "The Way of Salvation," contains a number of unguarded and objectionable passages, yet is of opinion that, especially after the explanations which were given by him of those passages, the Presbytery ought to have suffered the whole to pass without further notice.

Resolved, 2. That in the judgment of this Assembly, the Presbytery of Philadelphia ought to suspend all further proceedings in the case of Mr. Barnes.

Resolved, 3. That it will be expedient, as soon as the regular steps can be taken, to divide the Presbytery in such way as will be best calculated to promote the peace of the ministers and churches belonging to the Presbytery.

With respect to the abstract points proposed to the Assembly for their decision in the reference of the Presbytery, the Committee are of the opinion that if they be answered they had better be discussed and decided *in thesi* separate from the case of Mr. Barnes.

The Judicial Committee reported that the other Complaints and the reference in relation to the case of Mr. Barnes, they considered as merged in the Report just adopted. This Report was accepted.

The Assembly, having finished the business in relation to Mr. Barnes, united in special prayer, returning thanks to God for the harmonious result to which they have come; and imploring the blessing of God on their decision.—1831, p. 329.

2. When reference has been made the judicatory referring can regain jurisdiction only by the action of the superior judicatory.

In the case of the *Appeal* of James W. Hamilton against the Synod of Sandusky (1863, p. 36, O. S.), the following Report was made by the Judicial Committee:

"When this case was first before the Session, the Session being composed of the moderator and one ruling elder, the moderator, as appears from the Minutes, 'waived his right to sit in judgment on the case;' but an order was then made that the Session then proceed to take the testimony in the case, and submit the same to the Presbytery at its next meeting."

The testimony having been taken, the whole case, charges and evidence, were then accordingly submitted and referred to the Presbytery. The action of the Presbytery was to the effect "that the case be not issued before Presbytery." But the Presbytery directed that "the accused be admonished to give none occasion for evil to be spoken of his character; to look more carefully to his conduct, and walk more uprightly, as becometh the Gospel;" and recommended the minister of the church to read said action before the congregation; which duty was performed on the 25th day of August, 1861.

After this, on the 7th day of September following, the Session, without notice to the accused, and without giving him an opportunity to be heard, proceeded to give judgment on the charges and evidence as originally before the Session and Presbytery.

The case, having been submitted to Presbytery, passed from the possession and proper jurisdiction of the Session, and Presbytery alone could again give the Session such jurisdiction, by reference back to the Session. This was not done. Even if the case had been in some proper way referred back by Presbytery to the Session the accused was entitled to notice of any further proceedings before the Session, and especially so of any new matter of accusation.

The Presbytery, although, in terms, they did not "issue the case," did substantially make a decision, and by that decision subjected the accused to a mortifying public admonition, which was carried into effect, as directed by the Presbytery.

The Session, in afterwards giving judgment on the charges, in effect subjected the accused a second time to discipline on the same charges. This is not allowable. If the accused, since he was publicly admonished, as directed by the Presbytery, has been guilty of offenses, or disorderly conduct, he should be tried for the same on proper charges and notice.

Resolved, That for the informalities and errors above mentioned, the Appeal be and is hereby sustained, and all proceedings in the case, by the Session, Presbytery and Synod, since the admonition before the congregation, on the 25th of August, 1861, are hereby annuled and set aside. MS. indorsement on Records of Synod of Sandusky, 1863.—1863, p. 36, O.S.

3. Reference must be carried to the next higher judicatory.

[NOTE.—Under the former Book, references were allowed from the lower courts to the Assembly. See *Digest*, 1873, p. 546; this Sec. 80 forbids.]

81. In cases of reference, members of the inferior judicatory may sit, deliberate, and vote.

82. A judicatory is not necessarily bound to give a final judgment in a case of reference, but may remit the whole case, either with or without advice, to the inferior judicatory.

1. A Memorial treated as a reference.

The Committee appointed to draw a Minute on the subject of the Memorial from the Session of the First Church in Genoa, reported the following, which was adopted, viz.:

Resolved, That the church of Genoa be referred to the Minute of the Assembly formed in the case of David Price in the year 1825; from which it will appear that, in the judgment of the Assembly, "an admonition" was "deserved" by the said Price, in consequence of his unchristian conduct. And it is the judgment of this Assembly that the Session ought immediately to have administered such admonition; that they ought still to administer it; and that if the said Price refuse to submit to such admonition, or do not thereupon manifest repentance and Christian temper, to the satisfaction of the church, he ought not to be received into the communion of that or any other Presbyterian church.—1827, p. 202.

83. The whole record of proceedings shall be promptly transmitted to the superior judicatory, and, if the reference is accepted, the parties shall be heard.

1. Testimony attested by the moderator and clerk sufficient.

The following question, signed by William C. Davis, "Whether testimony taken before a Session, and sent up to the Presbytery under the signature of moderator and clerk, will not be sufficient in references as well as Appeals to render the case thus referred both orderly and cognizable by Presbytery," was answered in the affirmative.—1797, p. 128.

2. A superior judicatory may entertain a reference which is not accompanied by the testimony and proceed itself to take it.

The Records of the Synod of Kentucky approved, "with one exception, viz.: According to the Record on p. 66, the Synod taught and acted on the principle that a Presbytery acts irregularly, which, upon the reference of a church Session, takes the testimony and issues the case according to its bearings, even when the parties concerned agree to the reference. Your Committee are of opinion that this principle is wrong in itself, and evil in its tendency, and therefore recommend this Assembly to express its disapprobation of it."—1853, p. 455, O. S.

In reply to a protest against this decision, the Assembly says:

The action condemned is not "in exact accordance with the Constitution, Discipline (Old), Chap. vii, Sec. ii, Subsec. ix," as asserted by the protestant; the article referred to containing a rule designed to facilitate business, but, as its language shows, it does not preclude a Presbytery from taking original testimony in certain cases, and it does not appear from the Records that the Presbytery of Muhlenburg was irregular in so doing.—1853, p. 456, O. S.

III. OF COMPLAINTS

84. A Complaint is a written representation by one or more persons, subject and submitting to the jurisdiction of an inferior judicatory, to the

next superior judicatory against a particular delinquency, action, or decision of such inferior judicatory in a non-judicial or administrative case. When a non-judicial or administrative case has been decided by a Judicial Commission of an inferior judicatory, sitting during an interval between the meetings of such judicatory, a complaint against the decision of the Commission may be entered and prosecuted before a superior judicatory, in the same manner as if the decision had been rendered by the inferior judicatory; and if at least one-third of the members of the Commission, recorded as present when the decision was made, join in such complaint, the execution of the decision of the Commission shall be stayed until the final issue of the case by the next superior judicatory.

[NOTE 1.—It is of the utmost importance that those consulting this Digest for guidance in connection with the carrying of causes to a higher judicatory on the basis of a "complaint" or an "appeal" should note the following facts:

First, prior to the adoption of the Constitution of 1821 no distinction was made between "a complaint" and "an appeal." The common form used was "we appeal and complain." Under this broad title any decision whatever was carried by any parties from the lower judicatories to the higher.

Second, The Constitution of 1821 defined "an appeal" to be "the removal of a cause already decided, from an inferior to a superior judicatory by a party aggrieved." Under the term "cause" all cases of whatever character which had been the subject of a decision by an inferior judicatory were included. Hence under the section of this Digest entitled "Of Appeals" will be found many decisions of cases which, under the present Book of Discipline would be acted on only as "complaints." They appear here in this Digest because of the questions decided.

Third, The Book of Discipline was very extensively amended in the year 1884. In connection with the changes made in the book at that time and subsequently, the definitions of "complaint" and "appeal" now contained therein were adopted. These definitions should be clearly understood and carefully borne in mind by all consulting the pages of this Digest, and all references to General Assembly actions in these earlier periods should be read with the fact in mind that the present distinction between a "complaint" and an "appeal" was not always as clearly recognized and followed, as the language of the book now requires.]

[NOTE 2.—Under the practice prior to 1884, Complaints, as well as Appeals, were carried over the next superior judicatory, when satisfactory reasons were assigned. See under Appeals, Book of Discipline, Sec. 102. Under the head of "Person or Persons" the judicatories of the Church are included. In 1885 the words "or by any other reputable person or persons" were stricken out.—1885, p. 602.]

1. Form of Complaint.

In the matter of the action of the (Presbytery, Synod or Judicial Commission) of respecting (dissolution of church or other non-judicial matter), the undersigned hereby complains to (the next higher Judicatory) of the action of the (Presbytery, Synod or Judicial Commission) in the above-entitled matter, and for reasons in support of such Complaint state the following:

1.—(Here state reason in plain, simple language).
2.— " " " " " " "
3.— " " " " " " "
4.— " " " " " " "

Signature of Complainant.

Date

To Clerk (or Moderator) of the Presbytery, Synod or Judicial Commission (being the Judicatory whose action is complained of).

For rule as to service see Sec. 85, Book of Discipline.—1913, p. 134.

2. Rules governing the taking and hearing of Appeals and Complaints.

At the meeting of the General Assembly of 1913, the Permanent Judicial Commission was directed:

"To prepare and present to the General Assembly the form of Complaints and Appeals; together with the proper procedure for bringing cases before the General Assembly."

The Commission, in pursuance of said order, prepared and submitted to the General Assembly, which were adopted, Forms of Appeal and Complaint, Notice, etc., as set out in its *Minutes* (Assembly of 1913, at pp. 134 and 135), but did not prepare and submit any form of procedure. Now, therefore, the Commission, in further compliance with said order, submits the following:

Rule 1: It shall be the duty of the Stated Clerk (of Presbytery or Synod) upon the Complaint or Appeal being filed with him, to indorse thereon the date of filing, also to indorse upon the notice the date of its filing. He shall make a complete transcript of all the proceedings upon which the judgment appealed from was founded, which shall include the original or a copy of the Appeal or Complaint, the original notice or a copy of the Appeal or Complaint, and a copy of all the evidence introduced in the cause, either documentary or oral. He shall attach together in their proper order all of the documents, papers, etc., above specified as transcripts, and which are made up in civil cases, and he shall attach to such transcript or record his certificate, which shall be in the following form, viz.:

"I, (   ), Stated Clerk of the (   ) Synod or Presbytery, do hereby certify that the foregoing transcript contains the original (Complaint or Appeal) which was filed with me as Stated Clerk on the (   ) day of (   ); the notice or a copy thereof which was filed with me in such (Complaint or Appeal) with the date of the filing thereof; also a copy of the original evidence, which was introduced in the trial of this cause, both oral or otherwise, and of all other proceedings had in the trial of said cause, together with a copy of the final judgment entered therein; also the notice of Appeal and the date indorsed thereon when the same was filed with me."

Rule 2: It shall be the duty of such Stated Clerk to prepare and transmit the transcript to the Stated Clerk of the General Assembly within thirty days after service upon him and filing with him of notice of Appeal or Complaint.*

Rule 3: It shall be the duty of the Stated Clerk of the General Assembly in transmitting to the Judicial Committee the transcript in any Appeal or Complaint, to also transmit a certified copy of the docket made by him.

Rule 4: It shall be the duty of the Judicial Committee to examine the Record and all the papers and documents in all Appeals and Complaints and determine whether it contains all steps taken by the Synod or Presbytery where the action sought to be reviewed was had. If the Judicial Committee finds that all such precedent action had is properly embraced therein, it shall then certify such case to the General Assembly, which certificate shall be in the following form:

"The Judicial Committee of the General Assembly of 19— hereby certifies that it has duly examined all the papers, documents and records filed with it by the Stated Clerk of the Assembly in the within case and finds that all steps have been taken which are required by the laws of the Church, in order properly to present to the Permanent Judicial Commission the questions arising therein, and herewith transmits to said General Assembly all such papers, documents and records."

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*[Note.—See below, Book of Discipline, Secs. 85 and 96.]

Rule 5: It shall be the duty of the Stated Clerk of the Commission to docket the Records of each of said causes in the order indorsed thereon by the Stated Clerk of the General Assembly.

The Stated Clerk of the General Assembly is authorized to cause to be printed and distributed to the Stated Clerks of all Presbyteries and Synods, the forms of Complaint, Appeal and Notice, as prescribed by the General Assembly of 1913; also instructions and forms prescribed by this Assembly, under such terms as he may deem proper.—1914, p. 256.

3. Complaints must go to the next superior judicatory.

a. *Judicial Case No. 4*, being a Paper which appears to be of the nature of a Complaint of the Rev. A. R. Day against the Presbytery of Waterloo. The Judicial Committee recommends that Mr. Day be advised to present his Appeal or Complaint to the Synod of Iowa.—1899, p. 45.

b. *Judicial Case No. 6*, entitled Complaint of the Session of the Church of the Covenant *vs.* the Presbytery of Northumberland. Your Committee find that this case was brought directly from Presbytery to the General Assembly, passing over the Synod, which is contrary to Chap. ix, Book of Discipline, and would therefore recommend that it be dismissed.—1901, p. 45.

c. In the case of the *Complaint* of the Rev. Edward T. Fleming against the proceedings of the Presbytery of Chicago, the Complaint is not entertained, since "a Complaint is a written representation made to the next superior judicatory" (Book of Discipline, Sec. 83), which in this case is the Synod of Illinois.—1902, p. 143. (See 1928, p. 91.)

4. Complaints by judicatories.

Complaints were entertained:

a. Of the Presbytery of Washington, O., against the Presbytery of West Lexington.—1821, p. 21. [These Presbyteries belonged to different Synods.] See also 1828, p. 237.

b. Of the Third Presbytery of Philadelphia against the Presbytery of Luzerne. . . . Brought before the Assembly, because of these Presbyteries having had no common Synodical relation.—1870, p. 27.

[Note.—Such cases would now be adjudicated under Book of Discipline, Secs. 121–123.]

c. Of the General Synod of the Reformed Church in America against the Presbytery of Philadelphia.—1874, pp. 62–64.

d. Of the Presbytery of Saharanpur of the Reformed Presbyterian Church against the Board of Foreign Missions of the Presbyterian Church. —1883, pp. 628, 629; 1884, p. 108.

[Note.—The following decisions, under the head of Complaints, are cited. Some of them, it is probable, do not conform to the present Section. But all are of value, as showing the practice of the Assembly. The decisions under them, as a rule, are not affected by the changes in the Book. Cases c. and d. would be adjudicated under Form of Government, Chap. xii, Sec. v, p. 285.]

5. The distinction between an Appeal and a Complaint must be observed.

The Records of the Synod of Utica were approved, with the exception that, on p. 275, the Synod recognizes a reference to them as an Appeal which should have been considered and acted on merely as a Complaint against, and not as an Appeal from, the decision of Presbytery concerning the settlement of a pastor.—1843, p. 22, N. S.

6. The same matter may be the subject both of Appeal and Complaint.

The question was taken on sustaining the *Appeal* and *Complaint* (of the Second Presbytery of Philadelphia against the Synod of Philadelphia). A division being called for, the question was first taken on the Complaint. Sustained. The question was then taken on the Appeal. Sustained.—1834, p. 431.

7. Complaint not allowed against a judicatory for obeying the orders of the superior judicatory.

a. *Whereas*, The Rev. Archibald McQueen prosecuted a Complaint before the Assembly of 1845 against the Presbytery of Fayetteville for refusing to restore him to the exercise of the Gospel ministry, and did at the same time memorialize that Assembly to decree his restoration; and whereas, that Assembly did take up and judicially entertain the said Complaint, and pronounced judgment in the case by authorizing and recommending the Presbytery to restore the said Archibald McQueen to the Gospel ministry, provided that in the judgment of the Presbytery it was wise so to do; and whereas the Presbytery, in the exercise of the discretion thus confined to them, did restore Mr. McQueen; therefore,

Resolved, That the Complaint of the Rev. Colin McIver and others against the Synod of North Carolina, for having sustained the action of the Presbytery of Fayetteville in restoring the said Archibald McQueen, in accordance with the judicial decision of the Assembly of 1845, cannot be entertained by this house, and is hereby dismissed.

In making this disposition of the above-mentioned Complaint, this General Assembly wishes it to be distinctly understood that they do not mean either to retract or modify any judgment hitherto expressed by any Assembly respecting the offense for which Mr. McQueen was suspended from the exercise of the Gospel ministry. They simply declare that his case cannot be regularly brought before them by this Complaint.—1847, p. 395, O. S.

b. The *Complaint* of Mr. Alexander Cowan against the Presbytery of Sidney is not sustained, the Presbytery having acted entirely in accordance with the directions of the Assembly of 1867.—1868, p. 641, O. S.

8. Memorials cannot be regarded as Complaints.

a. *Judicial Case No. 6*, being two Complaints of certain persons claiming to be members and members-elect of the Session of the Church of the Covenant, etc., against the Presbytery of Northumberland. We find this Paper of the nature of a Memorial concerning matters embraced in *Case No. 5*, and we recommend that it be returned to the memorialists.—1900, p. 100.

b. Memorial in Williamsport case.—1902, p. 75.
c. Whitbeck Memorial. Similar action.—1904, p. 84.

9. Complaint not allowed against advice given on Memorial.

The *Complaint* of members of the Park Church, Newark, N. J., against the Synod of New York and New Jersey, was dismissed, on the ground that the action of the Presbytery was not a subject matter of complaint, or removal of the case to a higher judicatory, their proceedings having been merely advisory upon the Memorial of the complainants.—1852, p. 166, N. S.

10. Complaint not allowed against a refusal to adopt a proposed Paper.

The Judicial Committee having had under consideration the *Appeal* and *Complaint* of the Rev. Robert J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia on the quorum question; and the Appeal and Complaint of the Rev. R. J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia on the question of the imposition of hands in ordination, report, that in their opinion the Form of Government and Discipline of the Presbyterian Church do not authorize the appellants and complainants to bring before the General Assembly either an Appeal or Complaint in the cases referred to.—1844, p. 366, O. S. (See below, p. 664, 10.)

[Note.—Against this decision a protest was entered. See Baird's *Digest*, rev. ed., p. 145, and *Minutes*, 1844, p. 380. In answer the Assembly reply *inter alia*.]

In replying to the protest in question, little more is necessary than to state distinctly what was the action of the Synod of Philadelphia, complained of by R. J. Breckinridge and others. Two Papers were offered by Dr. Breckinridge for the adoption of the Synod; the one relating to the constitution of a quorum in Presbytery, the other to the imposition of hands by ruling elders in the ordination of ministers of the Gospel. In relation to each Paper, the question on which the Synod voted was in the following words: "Shall this Paper be adopted?" By a large majority the Synod refused to adopt these Papers. The Assembly know of no law in our Book of Discipline requiring a Presbytery or a Synod to adopt any Paper or Papers submitted to them by any individual or any number of individuals; and if there is no such law, there could be no transgression of law or neglect of duty, and consequently no ground of complaint.

The Papers in question condemn the interpretation of certain clauses in our Constitution, given by the last Assembly, propose an opposite interpretation, and overture the General Assembly to repeal the Overtures adopted by the last Assembly, and to adopt interpretations of an opposite character. In regard to these Papers, it is proper to remark:

1. There was no case before the Synod. No elder complained that he had been deprived of what he regarded as a Constitutional right. No Presbytery was charged with having constituted and proceeded to business without a Constitutional quorum. The Synod, therefore, was not called upon to administer law, but to interpret our Constitution—to decide Constitutional questions *in thesi*. How far it is expedient to give expositions of our Constitution, or to decide Constitutional questions *in thesi*, it may be difficult to determine; but certain it is that no church judicatory is bound, in any state of case, to give such decisions. But "where there is no law,

there is no transgression," and, of course, there can be no ground of complaint. The protestants allege that the Synod did act, and that their action was complained of. The answer is, that the only action of the Synod in the case was a refusal to adopt certain Papers offered by a member of that body. To this action, if it be proper to call it so, the Synod was forced by the member who offered the Papers. They were obliged either to adopt them or to refuse them. They deemed it wise, as they had the perfect right, to do the latter.

2. Again: these Papers, if adopted, required the Synod to send to this Assembly an Overture or request to give an interpretation of our Constitution contrary to that given by the last Assembly. But, although it is the right of Sessions, Presbyteries or Synods to overture the Assembly whenever they may deem it wise to do so, there is in our Book no law requiring them or any one of them to do so in any case. In declining to send up an Overture, therefore, the Synod of Philadelphia violated no law, committed no transgression against ecclesiastical law, and consequently a Complaint against that body cannot lie. The very idea of forcing either individuals or bodies to overture or petition is absurd.

But the protestants strangely contend that "every inferior court is responsible to the courts above it for the proper exercise of its discretion, and therefore they may be complained of as regards its exercise." Where there is responsibility there can be no discretion. To maintain the contrary is to contend that an individual or a body may use their discretion, provided they use it in a certain way—that they may do as they please, provided they are pleased to act in a particular manner. The truth is, that where ecclesiastical rights of individuals or bodies are concerned, there is no discretion. All such rights are guarded by our Constitution, by which every church court is bound. The admission of the protestants that the Synod had the right to exercise its own discretion in the matter complained of is, in effect, an admission that the Complaint is not legitimate, and ought not to have been entertained by this body.

Still more strangely, if possible, the protestants allege that "if the Synod be not obliged to act except in cases in which it is compelled by positive law, then Synods could not be complained of for even the grossest violations of duty, such as refusing to receive and issue Appeals brought regularly before them, or refusing to redress what has been done by Presbyteries contrary to order." Do they, then, maintain that it is merely discretionary with Presbyteries and Synods whether they will receive and issue Appeals, etc., regularly brought before them, as they admit it was with the Synod of Philadelphia, whether they would condemn the doings of the last Assembly and overture this Assembly to do the same? But they say "there is no positive command or law requiring Synods to exercise any of their specified powers." To prove that this statement is wholly incorrect, it is necessary only to refer to Chap. vii, Secs. i, iii and iv, of our Book of Discipline (Old). Section i treats of the duties of church judicatories in relation to review and control; Secs. iii and iv treat of the right to appeal and complain in certain cases, etc. Where there are duties there can be no discretion, and where there is a right to appeal and complain there is positive obligation on the part of the judicatory to receive and issue such Appeal and Complaints. But where, in our Constitution, is it said to be the duty of any church judicatory either to adopt Papers that may be offered, to decide Constitutional questions *in thesi*, or to overture a higher court? Or where is the right given to individuals in any case to have their interpretations of our Constitution adopted? There are no such duties on the one hand or rights on the other, and consequently, no right of appeal or complaint.

3. An additional objection to the Appeals and Complaints is that, were they entertained, the Synod of Philadelphia would, in the final vote, be excluded from voting. This, in the administration of law, where the inferior court has decided the case, and the Appeal or Complaint is against their decision, would be perfectly proper. But in the mere interpretation of our Constitution, in regard to which all have a common interest, and, therefore, common rights, such a course would be unconstitutional and grossly unjust. The Synod of Philadelphia, if the Complaints had been entertained, would have been excluded, as having decided the questions involved. But the Synod of Kentucky has also given its decisions of the same questions. Why, then, should the one vote and the other be excluded? Nay, it is believed, that a large majority of the members of this Assembly have, in one form or another, decided upon them. Why, then, permit them to vote, and exclude the Synod of Philadelphia? What interest has this Synod more than other Synods or Presbyteries, in giving a wrong exposition of our Book? When we interpret our Constitution, the voice of the whole Church should be heard.

But the protestants say, this is an argument against our Constitution. In this, however, they are mistaken. It is only an argument against their incorrect interpretation of it. It gives no right to appeal or complain against a judicatory for declining to decide a Constitutional question *in thesi*, or to overture the higher court.

4. That the Complaint is illegitimate is further evident from the consequences which would follow the adoption of the principle involved in it. If our church courts are bound, in any case, to decide Constitutional questions *in thesi*, and to overture the higher court, it follows:

(1) That any member of a Session, Presbytery or Synod can, at any time, force the Assembly to discuss and decide, *in thesi*, any Constitutional question he may choose to raise, or any number of them. He has only to offer his interpretation to the lower court, and come up with his Complaint, which must be regularly issued.

(2) The Assembly can be forced to discuss and decide the same question repeatedly at the same session. The minority of the Synod of Kentucky might have complained of its action on the same points; and, according to the doctrine of the protestants, the Assembly must have regularly tried both Complaints, regularly hearing the parties from both Synods discuss the same points, not in relation to the administration of law, where both parties claim to have been aggrieved, but in relation to the interpretation of law.

(3) The Assembly could be forced to decide great Constitutional questions by only a part of the delegates from the Presbyteries, thus excluding a large number of Presbyteries from a vote on the interpretation of the Constitution by which they are to be governed.

(4) The Assembly, by the exclusion of different Synods, in deciding the different Complaints, might be placed in the humiliating attitude of giving contradictory expositions of the Constitution at the same sessions.

Who will pretend that our Constitution is so defective, so strangely inconsistent, as to expose our church courts to difficulties and absurdities such as those just mentioned?

In answer to the third reason assigned by the protestants it is sufficient to state, that it has not been, and we believe it cannot be proved, that any General Assembly of our Church ever entertained a Complaint such as the one in question—a Complaint against a church judicatory for refusing to decide a Constitutional question *in thesi*, or to overture a higher judicatory. The Complaint under consideration is, so far as this Assembly is informed, strictly *sui generis*.

Finally, our Constitution prescribes the mode in which Constitutional questions may be brought before the General Assembly. The proper course was pursued by the Presbytery of Cincinnati in regard to the matters embraced in Dr. Breckinridge's Papers; and they were brought before this body untrammeled by judicial proceedings, and the voice of the representatives of the Church decided on the true meaning of the clauses in our Constitution concerning which there has been a difference of opinion.

In reply to the Complaint of the protestants, that the Assembly refused to hear the complainants on the right of jurisdiction, it is sufficient to say: (1) That it cannot be shown that our Book gives such rights. (2) The adoption of the principle involved in such a claim would be followed by most of the difficulties already enumerated as consequent upon entertaining the Complaint. The Assembly must, from year to year, agree to hear every member of a Session, Presbytery or Synod, who may choose to try to convince them that they have jurisdiction over all kinds of subjects. (3) There was properly no question as to right of jurisdiction. The matter of complaint against the Synod belongs not to the department of discipline.

In reply to the Complaint of the protestants that the Assembly did not sit as a court, and that the members were not charged by the Moderator, it is sufficient to state, that as the Assembly could not sit in a judicial capacity until the Complaint was decided to be orderly and legitimate, the objection is wholly without force.

The protestants think the course pursued by the Assembly calculated to foster all kinds of diversity in practice and opinion. They seem not to see, that the course pursued by the complainants and by themselves, in relation to the decisions of the highest court of our Church, to which it properly belongs to expound the Constitution and settle all controversies, is directly calculated to produce the very result they seem to deprecate.—1844, p. 383, O. S.

[Note.—This answer was prepared by Drs. James Hoge, John Maclean, C. C. Cuyler, B. H. Rice and Henry A. Boardman. It is of great value, as defining the rights of complainants, and also the limits of the exercise of those rights.]

11. Complaint not allowed against an opinion expressed by the superior judicatory.

A *Complaint* of the Presbytery of St. Clairsville against the Synod of Wheeling, for taking exception to their Minutes on the ground "that their entire action in the case of the church of Kirkwood was unwise and inexpedient."

The Committee recommend that this Complaint be dismissed, on the ground that in the action complained of, the Synod passed no judgment in the case, but only expressed an opinion, and that there is therefore no Constitutional ground for complaint. [See Book of Discipline (Old), Chap. vii, Sec. iv, Subsec. ii.]—1864, p. 312 O. S.

12. Nor against a judicatory for the exercise of its discretion.

a. The *Complaint* of the Rev. W. P. Carson against Synod of Iowa for dismissing his Complaint against the Presbytery of Dubuque. The Presbytery, upon application both of the pastor and the congregation, dissolved the pastoral relation, and Mr. Carson complained to Synod, on the ground that the Session and trustees united in calling the meeting of the congregation without the presence or coöperation of the pastor, at which action was taken asking for the dissolution of the pastoral relation. The Committee recommend that the Complaint be dismissed, there being no sufficient ground of complaint.—1868, p. 612, O. S. (See pp. 684, 11; 482, 2.)

b. *Judicial Case No. 6*, being a Complaint of the Rev. James H. Baird, D.D., against the action of the Synod of Pennsylvania in sustaining the action of the Presbytery of Philadelphia, on his petition regarding the Mercer Home.

The Judicial Committee recommend that the Complaint be dismissed for the reason that no evidence appears that the Presbytery of Philadelphia erred in declining to assume jurisdiction of the subject matter of the Complaint; nor the Synod of Pennsylvania in sustaining that action of the Presbytery.—1899, p. 73.

13. Discretion is reviewable as to its abuse or misuse.

a. *Complaint* of Rev. Arthur Crosby *vs.* The Synod of Long Island. Dismissed for the following reasons, viz.:

[Note.—See in full, under Sec. 13, p. 556.]

1. That upon the facts stated by the Presbytery as the basis of its action, the question whether the investigation asked for should be entered upon or not was one to be determined in the exercise of a sound discretion.—Book of Discipline (Old), Chap. iii, Sec. vi.

2. That while the misuse or abuse of discretionary power is reviewable, its use, in this instance, seems to have been in regard to a subject fairly within its range and unobjectionable in its manner.—1881, p. 586.

b. The *Complaint* of the Rev. Samuel M. Gould against the action of the Synod of Philadelphia. The action complained of was taken on the Petition of A. Bancroft, who signs himself "a member of the Session of the original Hermon church," and asks the Synod "to investigate the condition in which Hermon church has been placed" by several acts which are recited in the Petition. The Petition of Mr. Bancroft was presented to the Synod at its sessions in October, 1881, and denied on the ground that the matter had been adjudicated in the various courts of the Church. The Judicial Committee are unable to find, from the Complaint, that the decision of the Synod affects the doctrine or the Constitution of the Church; nor can they find, in the statement of the action of the Synod, anything which was not within their discretion; and therefore no case is presented which the Assembly can properly entertain and review. We recommend that the case be dismissed, and the Committee be discharged from its further consideration.—1882, p. 100.

c. *Appeal* and *Complaint* of the Rev. Mr. Edgar from the action of the Synod of Erie, sustaining the action of the Presbytery of Clarion in refusing to put a call from the church of Collingsburgh into his hands. The Judicial Committee recommend that, as the General Assembly have repeatedly decided that Presbyteries have discretionary power in such cases (see *Digest*, 1886, p. 548), which decisions are clearly in accordance with the Form of Government (see Chap. xv, Sec. ix), therefore the Appeal and Complaint be dismissed.—1875, p. 510.

14. Complaint not allowed in a case already decided by the Assembly.

The *Complaint* of James Russell against the Presbytery of Flint River and the Synod of Georgia.

The Committee report that the case has already been adjudicated by the General Assembly in Philadelphia, in the sessions of 1853, and cannot properly come again before this body; and therefore recommend that the case be dismissed, and the Papers be returned to Mr. Russell.—1855, p. 271, O. S.

15. Nor against a decision of a moderator unappealed from at the time.

Complaint of the Session of the First Presbyterian church, St. Charles, Missouri.

A *Complaint* of Rev. Robert P. Farris against the Synod of Missouri.

These two cases are substantially identical, and may be regarded as one. The Committee find that in the matter complained of there was no action of the Synod as such, but only a decision of the moderator affecting the complainants, from which they made no Appeal to the body of the Synod, and consequently they have no just ground of complaint. They therefore recommend that it be dismissed, and that the complainants have leave to withdraw their Papers.—1865, p. 543, O. S.

16. Nor from the decision of a Commission not yet confirmed.

The Judicial Committee, through Rev. Samuel Miller, D.D., reported the *Appeal* of the church of Mifflinburg against the Synod of the Philadelphia for its action in the matter of the Appeal and Complaint of the Rev. Isaac Grier.

The Committee reports that this Complaint must be dismissed because no Complaint will lie from the decision of a Commission of Synod until that decision has been reported to Synod and approved thereby. The Committee therefore recommends that the Assembly direct the Commission in this case to report its decision to the Synod for its action.—1869, p. 902, O. S.; 1862, p. 608, O. S.

[NOTE.—See this *Digest*, Book of Discipline, Sec. 122.]

17. Nor where the action complained of does not contravene the doctrine or the Constitution of the Church.

a. The Rev. James H. Baird complains of the action of the Synod of Pennsylvania at its recent meeting in the Central church, Allegheny, in adopting the eighth resolution on the subject of temperance in the following words, viz.: "We endorse Constitutional Amendment and pray for its submission to the people."

The Committee submit that, in its judgment, the subject matter of the Complaint does not contravene the doctrine or the Constitution of the Church, and therefore recommend that the Complaint be not entertained. —1887, p. 128.

b. *Judicial Case No. 2.*—The Complaint of Oakland church against the Synod of Tennessee. The Complaint is as follows: The Presbytery of Holston recommended that Mount Bethel and Tusculum churches coöperate or group together for the purpose of sustaining preaching at those two points, and did recommend them, as thus grouped, to the Board of Home Missions for aid. Of this Oakland church complained to the Synod, alleging that the effect of this action would be to withdraw families from Oakland church. The Synod overruled the Complaint. Of that action of Synod, Oakland church complains to the General Assembly. Your Committee recommends that the Complaint be dismissed, because it is a case in which the Assembly has no jurisdiction, having regard to matters which refer neither to Constitutional nor doctrinal questions (see Chap. xi, Sec. iv, Form of Government.)—1888, p. 77.

c. The Report of the Judicial Committee, in the case of Rev. N. West against the Synod of Minnesota, was read. Mr. West was heard on the question of the Constitutionality of the Appeal. The Report was adopted, and is as follows:

The Judiciary Committee, to which was referred the Appeal of the Rev. Nathaniel West, from the action of the Synod of Minnesota, and his Complaint of the same action, respectfully submit the following Report:

A brief statement of the facts as they have been made to appear to your Committee is all that is needful for understanding the merits of the case. On the 21st of April, 1887, the Presbytery of St. Paul adopted the following resolution:

Resolved, That all duties, authority and relations of Dr. West to said church (the First Presbyterian Church of St. Paul), by virtue of any authority of this Presbytery, or its constituted commission, are hereby terminated.

From this action Dr. West appealed to the Synod.

It is manifest that this Appeal presented in no sense a judicial case, such as is intended by the ninety-fourth Section of the Book of Discipline. It was not therefore, appealable to the Synod. It could be brought into the Synod only by complaint. It was a case of administration merely. The Synod treated it as such, and disposed of it by resolving that the Appeal be not entertained as such, since this is not a judicial case. (Hodge's *Presbyterian Law*, p. 131: "Judicial business is any act of discipline, but especially the formal trial of an accused person, and appeals are admissible only in judicial cases." Referring to revised Book of Discipline, Chap. ix, Sec. 94.)

In thus disposing of the case your Committee discover no error. Moreover, it is plain that the action of the Synod did not, in any sense, affect, or have relation to the doctrine or Constitution of the Church. The Assembly has no jurisdiction of any appeal from, or complaint of, the action of the Synod. Complaint and Appeal in such a case are alike prohibited by the fourth Section of the eleventh Chapter of our Form of Government, which declares that the decisions of Synods on appeals, complaints and references, which do not affect the doctrine or Constitution of the Church, shall be final.

Your Committee therefore recommend that the Appeal and Complaint of Dr. West be dismissed.—1888, p. 124.

18. Nor where there is no sufficient ground for complaint.

Complaint of J. L. Woods and F. E. Shearer *vs.* The Synod of California, for refusing to take exception to the Records of the Presbytery of San José.

Your Committee recommend that the Complaint be dismissed: Because there does not appear to be any sufficient ground on which to lodge a Complaint; and because the complainants should more properly have sought redress in the matter complained of by way of review and control.—1894, p. 127.

19. Nor where the complainant is not subject and submitting to the jurisdiction of the judicatory complained of.

Judicial Case, a Complaint of the Presbytery of La Crosse against the Presbytery of Mattoon and the Synod of Illinois, in the case of the Rev. J. H. Lish.

The Judicial Committee find that the Complaint is not in order, for the reason that due notice has not been given to the Synod of Illinois, and that the Presbytery of La Crosse, not being subject and submitting to the jurisdiction of the Presbytery of Mattoon or the Synod of Illinois, has not the right of complaining against them (Book of Discipline, Sec. 83), and that the complainant should seek redress by way of Overture, Memorial or Petition.—1894, p. 127.

[Note.—See, however, in this *Digest*, No. 4, p. 629, and Book of Discipline, Sec. 137.]

20. Nor in a case of mere review of Records.

In the case of the *Complaint* of Nathaniel West and Thomas H. Skinner against the Synod of Cincinnati, in a case of review and control, the Committee recommend that, it being a question of mere review of Records, a judicial Complaint does not lie, and that the case be dismissed.—1877, p. 576.

21. Nor against the refusal to read the printed Minutes.

Case of Rev. J. W. Martin *vs.* the Synod of Cleveland.

Mr. Martin complains of a suggestion of the moderator, sustained by vote of the Synod, that the Minutes of the previous session need not be read at the beginning of the sessions in October, 1872, because they had been printed and were in the hands of the members; also that the moderator refused to hear him speak against this action, and requests the Assembly to express a judgment respecting the authority of moderators and Church courts under our Book. The Committee find that the Minutes of the previous session had been read and approved by the Synod at the close of that session, and therefore would have been read only for information, which was already in possession of the members in the printed copies; that they have no proof that the complainant was unjustly treated by the moderator, beyond what often occurs in such cases; and that our Book of Discipline very definitely states the authority and province of moderators. Therefore, we do not deem the case of sufficient importance to require the action of the Assembly.—1873, p. 509.

[Note.—See this *Digest*, Vol. I, under Book of Discipline, Sec. 73, p. 609.]

22. Nor against postponement of action on a Report of a Committee.

In the case of Thomas H. Skinner and others against the Synod of Cincinnati for not taking up and issuing a Complaint of Dr. Skinner against the Presbytery of Cincinnati in the McCune case, then pending, the Committee recommend that, as there had been no judicial action of the Synod in the case, against which a Complaint could lie, but simply and only a postponement of action on a Report of the Judicial Committee of the Synod, therefore the case be dismissed.—1877, p. 576.

23. Complainant has leave to withdraw with or without reasons.

a. The *Complaint* of Alexander Guy, M.D., against the action of the Synod of Cincinnati.

The complainant, Dr. Guy, having reason to believe that the language employed by the Synod in determining the case was inadvertently used is on this account willing to withdraw his Complaint. The Committee recommend that leave be granted, and that Dr. Guy be allowed to withdraw his Papers.—1867, p. 331, O. S.

b. The *Complaint* of the Rev. S. J. Niccolls and others against the action of the Synod of Missouri, passed at its sessions in October, 1865, whereby it declared the previous meeting of its own body "not a free court of Christ, and its entire acts null, void and of no binding force."

This Complaint was found in order, and referred from the last General Assembly to this; but inasmuch as the Synod has reconsidered and reversed the action complained of, and reported the same to this General Assembly, in accordance with the requirement of the last Assembly, passed with reference to the Synod of Missouri, the complainants request leave to withdraw their Complaint. Your Committee recommend that their request be granted, and the case dismissed.—1867, p. 331, O. S.

c. The *Appeal* and *Complaint* of D. W. Irvine and others against the action of the Presbytery of New Castle. The Committee, having satisfactory evidence that the ground of the Appeal and Complaint in this case has been removed by the subsequent action of the Presbytery complained of, recommend that the Appeal and Complaint be dismissed without prejudice.—1867, p. 327, O. S.

d. A *Complaint* of certain members of the Session of the church of Eaton, O., against the Synod of Cincinnati.

The Committee recommend that the complainants have leave to withdraw their Complaints without prejudice, and that they be advised to present the same to the Synod of Cincinnati.—1871, p. 547.

e. A *Complaint* by John C. Means and others against the Synod of Illinois. The complainants having requested leave to withdraw their Complaint, the Committee recommends that their request be granted.—1891, p. 143.

f. The *Complaint* of Rev. J. D. Robertson against the Synod of Pennsylvania. The Committee recommend that the complainant, having asked leave to withdraw his Papers, be allowed to do so.—1895, p. 69.

24. Withdrawal of Complaint may have the same effect as its dismissal.

The Judicial Commission to whom was referred the *Complaint* of the Rev. John W. Martin against the Synod of Philadelphia in the matter of the Hermon church, reported that after the announcement of their decision in *Case No. 1*, the complainant, by his counsel, the Rev. Robert Herron, D.D., asked leave to withdraw his Complaint, which was granted; and the Commission adjudge that such withdrawal shall have the same effect as if the Complaint had been dismissed.—1878, p. 43.

25. Leave to withdraw, the end desired being accomplished.

a. "Inasmuch as the *Complaint* of W. W. Colmery and others against the Synod of Cincinnati was made wholly in behalf of our excellent Standards of doctrine and order, and as these have been sufficiently vindicated by the discussion and action of this Assembly on the Complaint of Thomas H. Skinner and others, I respectfully ask leave to withdraw the Complaint.

William W. Colmery."

The request was granted.—1878, p. 81.

b. On the adoption of the Report of the Committee to review the Records of the Synod of Cincinnati (see the Report in full under Sec. 73, iii (3) above), Drs. West and Skinner asked leave to withdraw their Complaints against the Synod of Cincinnati, the grounds of said Complaint having been virtually covered by the Report. Leave was given the complainants to withdraw their Papers.—1878, p. 118.

26. Complainants have leave to withdraw because: 1: The proceedings of a civil court are not conclusive as against the ecclesiastical; 2. Trial by commission is not ground of complaint; 3. Informality in the decision does not invalidate the result intended to be reached.

The *Complaint* of Joseph S. Van Dyke and others against the Synod of New Jersey for dismissing their Complaint against the Presbytery of Monmouth, for acquitting Elder L. E. Brown of an alleged criminal offense.

A brief statement of the case is as follows:

Brown was indicted in a civil court for a serious crime; was tried, and found guilty. The case was taken to the Supreme Court, which reversed the judgment at the hearing, and remanded the case for a new trial. The accused, under the advice of counsel, in order to save the notoriety, risk and expense of a new trial, pleaded guilty to a lesser grade of offense, and was fined by the court.

He then applied at once to his Session for the most "searching investigation" into the charges made against him. The Session referred the matter to the Presbytery of Monmouth, which accepted the reference. The case was tried by a Commission of the Presbytery appointed at the request of all parties. The Commission, after a full trial, acquitted the accused.

Upon his acquittal, these complainants complained to the Synod of New Jersey. The Synod, by consent of parties, appointed a new Commission, who again tried the case upon its merits, and also considered certain irregularities alleged to exist in the action of the Presbytery. The Commission brought in a decision in these words: "The Complaint is sustained *pro forma*; but, inasmuch as the informalities and irregularities complained of do not seriously affect the matters at issue, the case be and hereby is dismissed." The decision of the Commission was accepted by the Synod, and ordered to be entered on Record.

These complainants now complain of this action of the Synod.

They do not ask that the case be tried again by this Assembly, but that it be remitted for a new trial to the Presbytery of Monmouth.

The reasons given for this Complaint are obscure, but, in the opinion of this Committee, are as follows:

1. The decision of the Commission of the Synod was in conflict with the pleas of "guilty" in the civil tribunal.

2. Because the case was twice tried by Commissions, and not by the Presbytery or Synod itself.

3. That the decision of the Commission of the Synod was not in proper form; that, instead of dismissing the Complaint as it did, it should have in so many words declared the accused "guilty or not guilty," and have affirmed or reversed the action of the Presbytery.

In regard to the first ground of complaint, in the judgment of your Committee all the presumptions arising from the proceedings of the civil courts adverse to Mr. Brown are overbalanced and neutralized by the much stronger presumptions arising from his acquittal, after patient and careful investigation, by two ecclesiastical courts in succession, and those among the largest and weightiest in our Church.

With regard to the second ground of complaint, that the case was tried by Commissions by consent of parties, we do not see that it furnishes any just ground for complaint. Should the prayer of the complainants be granted, and the case be remanded to the Presbytery of Monmouth for a new trial, it would probably be tried again by a Commission, for the best of reasons.

With regard to the third reason for this Complaint, we think the Commission of the Synod was not happy in the form of its decision. The intention of the Commission was, it is evident, to acquit the accused and confirm the action of the Presbytery. The Committee consider that this was the actual result of its dismissal of the Complaint.

The form of the decision has harmed and can harm no one, and it is for the accused, if any one, to complain of the indefinite judgment in his own favor.

This Committee are somewhat in doubt as to what was expected of them on the recommitment to them of the Report before made in the case. They however report the case a second time, with a fuller statement of the facts of the case and of your Committee's opinion thereon.

Your Committee deem it their official province and solemn duty, in accordance with the long and unquestioned practice of the Judicial Committee of the General Assembly, to give to the Assembly their opinion as to the sufficiency of these grounds of complaint, and to propose to the body the course they recommend it to pursue in regard thereto.

In view of all this, it appears to your Committee, that this case has been sufficiently and properly adjudicated. We think, with the light now before us, that it would be imposing an unjust burden and an unedifying labor on the Presbytery of Monmouth to require it to retry this case.

We therefore unanimously recommend the adoption of the following resolution:

Resolved, That, in the matter of the Complaint of Joseph S. Van Dyke and others against the Synod of New Jersey, praying that the Presbytery of Monmouth be required by this Assembly to readjudicate the case of L. E. Brown, their Petition be not granted, and that the complainants have leave to withdraw their Papers.—1880, pp. 64, 65.

27. Complaints dismissed and leave to withdraw, because, 1. Of indefiniteness in the Complaints, and 2. That the matters should be left to the wisdom and discretion of the Synod.

The Report of the Judicial Committee was adopted, viz.:

No. 8, Rev. Nathaniel West *vs.* The Synod of Cincinnati.

No. 9, Rev. Nathaniel West *vs.* The Synod of Cincinnati.

No. 10, Rev. William H. James *et al. vs.* The Synod of Cincinnati.

The Judicial Committee have had under consideration these three Complaints and find that they are about the very same subject matter, and may well be considered at once and together.

Two of the three are Complaints (*Nos. 8* and *9*) by Rev. Nathaniel West against the action of the Synod, on the — day of October, A.D. 1879, at its session then held at Lebanon. The Synod at that time and place did consider a certain Complaint against the Presbytery of Cincinnati, did reverse the proceedings of the Presbytery, and at the same time, in severe terms, did censure the Presbytery. This we learn from the Records of the Synod, and not from the Complaints. The Complaints, however, do complain that certain censures and requirements pronounced by the Synod are not sufficiently severe as against the Presbytery.

The *Complaint No. 10* is the Complaint of the Rev. William H. James *et al.*, members of the Presbytery of Cincinnati, complaining of the same action of the Synod. They complain, however, that the action is unwarrantably severe as against Presbytery. But, like the Rev. Nathaniel West, they fail to describe the action they complain of as being too severe, and we are left to examine the Records of the Synod to ascertain what was done by the Synod.

The notices of Complaint in each of these three cases, and the Complaints themselves, were all filed in due time; yet they are all so indefinite that they would require much additional elaboration before the real points and issues, on which the parties seek the judgment of this Assembly, can be brought under its ready comprehension for intelligent judicial review; and, therefore, the Committee find that neither of the three Complaints is in order.

When we consider that the grounds of complaint are so indefinitely stated in each of the three Complaints that we are not only left in great doubt as to the precise points complained of, but actually required to examine the Records to ascertain these points, and when we consider the controversy itself, we the more cheerfully come to the conclusion at which we have arrived. The Record shows that the whole matter might well be left to be determined by the wisdom, and in the exercise of a sound discretion, of the Synod. The Committee fail to find anything in these cases that should occupy the time of the Assembly. We are sure that by ending the controversy now the peace of the Church and the comfort and usefulness of all concerned will be promoted.

Of course it is the imperative duty of every inferior court to obey the direction and mandate of the superior, and such obedience, if necessary, should be enforced by the superior court.

We arrive at these conclusions all the more gladly, because a course different from that herein indicated does not appear to be needed for the vindication of Rev. Nathaniel West. That has already been done in the most ample manner. It appears that there is nothing derogatory to his moral, religious or ministerial character.

The premises considered, the Judicial Committee recommend that each of the three Complaints be dismissed, and that the respective complainants have leave to withdraw all Papers filed by them.—1880, pp. 80, 81.

28. Leave to withdraw on request of the parties.

a. The *Complaint* of the Rev. James P. Hendrick and thirteen others against the action of the Synod of Kentucky for rejecting an exception to the Records of the Presbytery of Ebenezer, which were before the Synod under general review and control. The Committee report that in this case the Rev. Stephen Yerkes, D.D., who is one of the complainants, has appeared before the Committee and asked leave to withdraw the Complaint, which action he represents will be satisfactory to the parties. We therefore recommend that leave be granted to withdraw the Complaint, and that this Committee be discharged from its further consideration.—1882, p. 100.

b. A *Complaint* against the Presbytery of Cincinnati, because it did not sustain *Charge One* (*1*) in the case of the Presbyterian Church in the United States of America against the Rev. Henry Preserved Smith, D.D., signed by John Junkin Francis, P. Robertson, J. Conzett, William H. James, and others.

Rev. William H. James, D.D., for himself, and as counsel for the other complainants, asks leave respectfully to withdraw the Complaint.

The Judicial Committee, therefore, recommend to the General Assembly that the complainants, at their own request, have leave to withdraw their Complaint.—1894, p. 87.

[Note.—See also Complaint of John J. McCook *et al. vs.* the Synod of New York, this *Digest*, Book of Discipline, Sec. 85, p. 650.]

c. *Judicial Case*, being the Complaint of the Rev. George W. F. Birch, D.D., against the Synod of New York. Your Committee would report that they have examined the Papers in the Complaint of Dr. Birch against the action of the Synod of New York and have found them in order. In view of the fact that at the time the Minutes of the Presbytery of North River were reviewed by the Synod of New York, the case of the candidate for admission had not been completed, and inasmuch as the case will come before the Synod at its next meeting upon the review of the subsequent action of Presbytery, the complainant agrees to withdraw the Complaint. Your Committee therefore recommends that this action be approved.—1895, p. 69.

29. Complaint dismissed because no parties were aggrieved.

A Complaint of Thomas W. Hynes, of certain action taken by the Presbytery of Alton and the Synod of Illinois, South. Whilst there is some ground, through a technical informality, for his Complaint, yet, as no parties were aggrieved by the action of Presbytery, it is recommended that the Complaint be dismissed.—1880, p. 29.

30. Complaint dismissed as not in due form. To strike from the roll without notice or citation disapproved.

A *Complaint* against the Synod of Colorado in confirming the action of the Presbytery of Wyoming, in striking the name of Rev. Thomas Cooper from its roll without notice or citation. The Committee report that, while the Assembly cannot approve of the action of the Presbytery in dropping Mr. Cooper's name without notice or citation, nor the subsequent action of the Synod of Colorado in confirming the action in review, yet, as nothing would be gained by a reopening of the case, and as the case does not come before us in due form, the Committee recommend that the case be dismissed.—1875, p. 511.

31. Complaints dismissed and no reasons given.

a. William N. Richie against the Synod of New Jersey.—1902, p. 75.

b. T. M. Ross and others against the Synod of Missouri, in the case of William Semple.—1903, p. 110.

c. James S. Malone against the Synod of Kentucky.—1906, p. 163.

32. Subject matter of Complaints entertained.

a. Relative to a decision of the Synod of Pittsburgh reversing a decision of the Presbytery of Ohio, which had restored Mr. Wherry to church privileges.—1820, p. 738.

The Complaint was sustained.

b. In the case of the *Complaint* of members of the Presbytery of Carlisle against the Synod of Philadelphia, it was

Resolved, That the Complaint ought to be considered by the Assembly, only so far as it regards the regularity of the proceedings of the Synod in reversing the judgment of Presbytery in the case.—1823, p. 74.

c. *Complaint* of the Presbytery of Washington, O., against the Presbytery of West Lexington, for licensing and ordaining the Rev. William L. McCalla, contrary, in the opinion of the complainants, to Presbyterial order, Mr. McCalla having been suspended from church privileges by the Presbytery of Washington, in consequence of a reference on the subject from the Session of the church of Chillicothe.—1821, p. 21.

[Note.—See this *Digest*, Form of Government, Chap. xiv, p. 416.]

d. *Complaint* of Ashbel Green and others, by which Complaint the following question is presented for the decision of the Assembly, viz.: Is it consistent with the Constitution of this Church for the same individual to hold the office of ruling elder in two different churches at the same time?

The complainants were heard in support of their Complaint; the Synod was heard in defense of their decision; and the complainants concluded with a reply.

When it was resolved by the Assembly, that the decision of the Synod be affirmed, and the Complaint dismissed.—1827, p. 204.

[Note.—See this *Digest*, Form of Government, Chap. v. No. 5, p. 87.]

e. A *Complaint* by Mr. David McClure, against the Presbytery of Philadelphia, in relation to the mode in which certain ruling elders had lately been elected in the Second Presbyterian Church of Philadelphia.—1827, p. 211.

Decision of Presbytery affirmed.—p. 215.

f. *Complaint* of the minority of the Presbytery of Philadelphia, against a reference by said Presbytery of the case of Rev. Albert Barnes.—1831, p. 319.

Complaint sustained.—p. 329.

g. *Complaint* of Thomas Bradford *et al.* against the decision of the Presbytery of Philadelphia, relative to the installation of Mr. Duffield. Sustained.—1835, p. 490.

h. The *Complaint* of Mr. Gilbert and Mr. Pickands in behalf of themselves and other members of the late Presbytery of Wilmington against the Synod of Philadelphia, for dissolving them. Sustained.—1836, p. 279.

i. *Complaint* of Rev. Thompson Bird against the Synod of Iowa for reversing the decision of the Presbytery of Des Moines, deposing a minister for adultery in marrying a divorced woman.—1858, p. 599, N. S.

[NOTE.—See in this *Digest*, p. 38.]

j. A *Complaint* of certain members of the Presbytery of Philadelphia, against the Synod of Philadelphia, for refusing to divide said Presbytery, was taken up.—1832, p. 356.

The Complaint was sustained without casting censure on the Synod of Philadelphia.—1832, p. 360.

k. The *Complaint* of John Turbitt against the Synod of Illinois, for refusing to take up and consider, at their meeting in October, 1859, his Appeal from, and Complaint against, the Presbytery of Peoria; and would recommend to the Assembly to dispose of the case by adopting the following Minute:

It is earnestly recommended by this Assembly to the Synod of Illinois to reconsider their judgment in the case of Mr. John Turbitt, declared at their late meeting, October, 1859, and, without regarding the circumstance of his having originally passed over the Synod and appeared directly to the Assembly, nor the circumstances of so much time having elapsed since the decision of the Presbytery against him, to take up his case, and either try it as an Appeal against the Presbytery upon the old evidence, or else remand it to the Presbytery for their hearing of the new testimony. —1860, p. 46, O. S.

l. The *Complaint* of the Rev. Alexander M. Cowan against the action of the Presbytery of Sydney, for refusing to enroll his name on the ground that he acknowledged himself to be a signer of the "Declaration and Testimony," and refused to sign the declaration prescribed by the Assembly of 1867 in such cases.

The Committee finds the case to be in order, and recommends that it be tried according to the order prescribed in the Book of Discipline.—1868, p. 639, O. S.

The following Minute in the case was adopted:

The General Assembly having heard the Complaint of Mr. Cowan, it is resolved that it be not sustained, the Presbytery having acted entirely in accordance with the directions of the Assembly of 1867.

But inasmuch as the emergency that called for the action of that and of the previous Assembly has passed; and inasmuch as many throughout the Church, and entirely loyal to it, have scruples in respect to the Constitutionality and expediency of the orders of 1866; and inasmuch as Mr. Cowan declares that in signing the Declaration and Testimony he had no intention to rebel against, or to show any disrespect to, the Church, but merely to protest against what he regarded as an unconstitutional act; and inasmuch as he desires to adhere to the General Assembly and to be subject to its authority; therefore,

Resolved, That his case be referred to the Presbytery to which he belonged, with instructions to deal tenderly with his scruples, and if in the judgment of said Presbytery he can be restored in accordance with the spirit of the action of 1867, that Presbytery have authority to restore him without further acknowledgement than that stated above in the hearing of this body.—1869, p. 641, O. S.

[NOTE.—For other causes of Complaint see below. See also in the Index under "Complaints."]

33. Complainants satisfied by conference and leave to withdraw.

The Judicial Committee reported the *Complaint* of the Second Presbytery of Philadelphia against the Synod of Philadelphia, and also the Complaint of Messrs. Robert Cathcart, George Duffield and E. W. Gilbert against the Synod of Philadelphia, as in order, and reported also an order to be pursued in prosecuting these Complaints.

Resolved, That these Complaints be referred to a select Committee, to endeavor to effect a compromise, if practicable, between the parties concerned.

Dr. Spring, Dr. Hoge, Mr. Ludlow, Mr. Jessup and Mr. Wilkinson were appointed this Committee.

The Assembly united in prayer for the divine direction and blessing upon this Committee and the parties concerned in these Complaints.

The Judicial Committee reported on the Petition and remonstrance of the Synod of Philadelphia against the last General Assembly's proceedings in relation to the Second Presbytery of Philadelphia. This Paper was referred to the same Committee of Compromise.

The Judicial Committee further reported the Complaint and Petition of E. W. Gilbert in behalf of himself and the Hanover Street Church of Wilmington, Del., against the Synod of Philadelphia, as in order and reported an order of proceeding to be followed in case the Complaint is taken up. This Complaint also was referred to the same Committee of Compromise.

The Judicial Committee further reported on a Paper purporting to be a Complaint of the Synod of Cincinnati, remonstrating against the division of Presbyteries on the principle of elective affinity. This Paper was also committed to the same Committee of Compromise.—1883, p. 396.

The Committee subsequently reported that after an interview with members of the Presbytery and of the Synod, as a result of a free conference with both parties, they were enabled to recommend to the Assembly the following:

Resolved, That the complainants in all these cases have leave to withdraw their Complaints, and that the consideration of all the other Papers relating to the Second Presbytery of Philadelphia be indefinitely postponed.—1883, p. 399.

Judicial Case No. 4.—Alexander Eakin *et al. vs.* Synod of California.—In the matter of the Complaint of Alexander Eakin and others against the action of the Synod of California, taken on the 25th day of October, 1914, upon their Complaint against the Presbytery of San Francisco, of its action in the matter of the Green Street Italian Mission in the city of San Francisco:

The Complaint is that the Presbytery of San Francisco recommended this mission to the Board of Home Missions for a sum of money to aid in its support for the coming year; the grounds of the Complaint being that the sum required was too large; that the minister who is in charge is unsound in the faith as held by the Presbyterian Church, and that money raised for Presbyterian Home Missions is given to an undenominational organization not at all under Presbyterian control.

After the reading of the Records in the case and the hearing of the parties concerned, both sides being represented by counsel without pecuniary consideration or other emolument, the Permanent Judicial Commission finds that the Complaint should be sustained.

The Presbytery entered upon an arrangement with another denomination for the maintenance of a mission among Italian people in San Francisco. The mission was in a building owned by the other denomination and the work was largely controlled by the other denomination. The converts, of whom there have been seventy in three years, formed an independent church under the control of neither denomination. The contribution asked by the Presbytery, after consultation with a representative of the Board of Home Missions, was $2,500 yearly, and was granted by the Board. In the spring of 1914, the Home Missions Committee of the Presbytery, through a sub-committee, propounded to the minister in charge of the mission certain questions on fundamental Christian doctrines as held by the Presbyterian Church. The answers to the questions indicated unsoundness in the faith.

Nevertheless, with full knowledge of all the facts, the Presbytery, with a vote of almost two thirds of those present and voting, requested the Board of Home Missions to continue the appropriation.

In the opinion of the Commission, this request of the Presbytery should not have been made, and the Presbytery, after the knowledge of all the facts which came to it, should have discontinued its connection with the Green Street Mission, and for its failure to do so, the Synod of California should have sustained the Complaint against it. The Presbytery of San Francisco is directed to rescind its request to the Board of Home Missions for further sums for the support of the Green Street Mission, and to discontinue its connection with the mission on July 1, 1915, the end of the present Home Missions year.—1915, p. 239.

85. Written notice of Complaint shall be given, within ten days after the action complained of was taken, to the clerk, or, in case of his death, absence, or disability, to the moderator, of the judicatory against whose action the Complaint is made, who shall lodge it, with the records and all the papers pertaining to the case, with the clerk of the superior judicatory, not later than thirty days thereafter.

[NOTE.—The ten days within which notice must be given, it will be noted, run from the time when the action was taken, and not from the rising of the judicatory, as was the provision of the former Book of Discipline.]

1. Notice of Complaint must be served.

a. A *Complaint* of Fisk Harmon against the Synod of Iowa North in approving the decision of the Presbytery of Fort Dodge, in declining, for reason, to restore him to the ministry from which he had been deposed by the Presbytery of Des Moines the year before. The Committee recommend that the Complaint be dismissed, and the Papers be returned to the complainant, because it does not appear that he gave any notice at any time to the Synod of his intentions to complain.—1875, p. 511.

b. The *Complaint* of J. C. Bose against the Synod of India. The Committee recommend no action, the case being found not in order, for the reason that no notice of Complaint was given to Synod.—1893, p. 132.

c. *Complaint* of the Presbytery of La Crosse, against the Presbytery of Mattoon and the Synod of Illinois in the case of Rev. J. H. Lish. Not in order, for the reason that due notice has not been given to the Synod of Illinois.—1894, p. 127.

d. *Case No. 2*, being a Complaint of the Rev. John Fernie against an action of the Synod of North Dakota. It does not appear that the notice of the Complaint has been served on the Stated Clerk of Synod as required. We therefore recommend the dismissal of the Complaint.—1906, p. 163.

2. Evidence must be furnished that notice was given.

a. Dismissed for want of evidence that notice of the *Complaint* was given to the superior judicatory.—1834, p. 434; 1863, p. 23, O. S.; 1875, p. 511; 1881, p. 585.

b. Leave given to show that notice has been given as required (1834, p. 454) and the Complaint entertained.—1836, p. 274.

[NOTE.—Where a mistake had been made, see below, Book of Discipline, Sec. 96.]

3. Reasons as well as notice must be given.

Overture No. 3, from the Synod of Cincinnati, as follows: Does the language of the Book of Discipline (Old), Chap. vii, Sec. iv, imply that when notice of Complaint is given to a judicatory of the Church, reasons for such Complaint must be given, as in the case of appeal?

A majority of the Committee recommend that the question propounded in the Overture be answered in the affirmative. The minority are of the opinion that it should be answered in the negative.

It was moved that the Assembly sustain the answer of the majority in the affirmative.—1855, p. 271, O. S.; confirmed by Sec. 85.

4. Notice and reasons must be given within ten days after the action is taken.

a. A *Complaint* of Rev. John Pym Carter against the Synod of Baltimore:

The certificate of the moderator of the Synod of Baltimore shows that Mr. Carter did complain to Synod of its decision, but that the grounds of complaint were lodged by him on the 3d of November, 1880, the Synod having adjourned October 21.

The Book of Discipline (Old), Chap. vii, Sec. iv, Subsec. iv, requires notice of complaint to be given within ten days after the rising of the judicatory, as in the case of an Appeal (Book of Discipline [Old], Chap, vii, Sec. iii, Subsec. v, which requires an appellant to lay the reasons of his Appeal in writing before the judicatory appealed from within ten days after its rising).

The General Assembly (Moore's *Digest*, 1873, p. 605, 1) directed that "when notice of complaint is given to a judicatory of the Church, reasons for such complaint must be given as in case of appeal."

Mr. Carter's reasons were not given until the thirteenth day after the adjournment of the Synod. He not having complied with the requirements of the Book of Discipline, your Committee recommend that the Complaint be dismissed.—1881, p. 587.

b. *Complaint* of the Rev. Samuel M. Gould against the Presbytery of Philadelphia North. There is no evidence that notice and reasons of complaint were given by the complainant, as required by the Book of Discipline (Old), Chap. vii, Sec. iv, Subsec. iv, and no sufficient reason for passing over the Synod. We recommend that the complainant have leave to withdraw his Complaint.—1881, p. 585.

5. Committee on Time of Notice of Complaint and Appeal appointed.

Inasmuch as it has appeared, in much of the business which has been referred to the Judicial Committee, that the question often arises whether an appellant or complainant is required to file a notice of intent to appeal or complain, with the judicatory appealed from or complained against, before the adjournment of said judicatory, in order that the judicatory may appoint suitable persons to defend its action before the superior judicatory, the Judicial Committee respectfully recommend the reference of this question to a Committee composed of the Moderator and the Stated and Permanent Clerks of the General Assembly, to report to the next Assembly. —1899, p. 128.

6. Report of Committee. Notice to be given within ten days after action. Judicatories to provide for counsel.

The Special Committee on Time of Notice of Appeal in Complaints and Appeal presented its Report, which was accepted, adopted, and is as follows:

The Committee appointed by the General Assembly of 1899 to report to this Assembly on the question, "Whether an appellant or complainant is required to file a notice of intent to appeal or complain with the judicatory appealed from or complained against before the adjournment of said judicatory, in order that the judicatory may appoint suitable persons to defend its action before the superior judicatory," respectfully report as follows:

The Sections of the Book of Discipline which bear upon this subject are Secs. 85 and 96, and read as follows:

"Sec. 85. Written notice of Complaint, with the reasons therefor, shall be given, *within ten days*, after the action was taken, to the clerk or, in case of his death, absence, or disability, to the moderator of the judicatory complained of, who shall lodge it, with the records and all the papers pertaining to the case, with the clerk of the superior judicatory, before the close of the second day of its regular meeting next ensuing the date of the reception of said notice."

"SEC. 96. Written notice of Appeal, with specifications of the errors alleged, shall be given, *within ten days* after the judgment has been rendered, to the clerk or, in case of his death, absence, or disability, to the moderator of the judicatory appealed from, who shall lodge it, with the records and all the papers pertaining to the case, with the clerk of the superior judicatory, before the close of the second day of its regular meeting next ensuing the date of his reception of said notice."

In view of the specific provisions of these Sections, the Committee report that an appellant or complainant is not required to file notice of intent to appeal or complain with the judicatory appealed from or complained against while said judicatory is in session, unless it continues in session ten days after action was taken, but that he has ten full days after action taken within which to enter an Appeal or Complaint. The provisions of the Book of Discipline are intended to conserve the rights of parties to judicial cases before our judicatories, and also to insure to members of the same the power to secure the reversal of unconstitutional procedure, by giving full opportunity for both thought and action. In addition, the ten days' limit gives not only reasonable time for thought to those who regard themselves as aggrieved by the decision of a judicatory, but also frequently leads them to the conclusion that an Appeal or Complaint in their cases would be unwise. It is admitted that judicatories at times are hampered by the fact that they adjourn prior to the expiration of the time allowed a complainant or appellant to enter a notice of intention to appeal or complain. It is suggested, however, that each Presbytery and Synod of the Church make provision for this probable condition of affairs by the adoption of a rule conferring upon the officers of the judicatory, or other persons being members of the judicatory, the right to appoint persons to defend their judgments and decisions before the superior judicatories, in the event of the filing with the Stated Clerks or Moderators, by proper parties, of notices of Appeal or Complaint. The resolution might read as follows: "The Presbytery (or Synod) of . . . . hereby authorizes the moderator and the Stated Clerk to appoint suitable persons to defend before the superior judicatory its judgments and decisions, whenever the same are appealed or complained against after the adjournment of the [Synod or] Presbytery.—1900, pp. 22–24.

7. Complaint against the action of a judicatory can lawfully be signed only by those who signed it or gave notice of their intent within the Constitutional limit of time.

Resolved, That it is unnecessary at this time for the General Assembly to take any action looking to the reversal of the action of the Synod of New York complained of by John J. McCook and others, inasmuch as the Synod has dismissed the Complaint of Rev. Francis Brown, D.D., and others, on which the Complaint to the General Assembly was founded. But it is expedient that the General Assembly put upon record an explicit ruling that a Complaint against the action of a judicatory cannot lawfully and Constitutionally be signed by persons other than those only who have signed the same or given notice thereof within the ten days' Constitutional limit of time. And Synod should have stricken from the

Complaint the 113 names, and let it stand as the Complaint of him only who signed in time the notice thereof.—1894, pp. 127, 128.

[NOTE.—In the case of the Complaint of John J. McCook *et al. vs.* the Synod of New York, see *Minutes*, 1894, p. 127, it appeared that the Synod allowed 113 persons, in addition to the complainant, Francis Brown, to appear before the Synod as complainants and that none of said 113 had given notice of intent to complain within the Constitutional limit.]

8. Complaint and Appeal dismissed as not lodged in time, and no one appearing to prosecute.

A *Complaint* and *Appeal* to the General Assembly against the decision of the Synod of Catawba, in session at Charlotte, N. C., November 2, 1887, signed by seven persons. This Complaint and Appeal pertains to the action of the Synod in sending back to the Presbytery of Yadkin the case of Rev. E. H. Garland for a rehearing. The Stated Clerk of the Synod filed this Complaint as having been received by him on the 14th day of November, 1887, whereas the action complained of was taken November 2, 1887, twelve days before the Complaint was filed with the Stated Clerk, which was two days after the expiration of the time allowed for filing a Complaint or Appeal (see Book of Discipline, Secs. 85 and 96). For this reason, and because no complainant or appellant has appeared before the Committee, we recommend that the Complaint and Appeal be dismissed as not in order.—1888, p. 77.

[NOTE.—See Sec. 96; also pp. 675, 676.]

9. Right to complain lost by failure to observe the rules.

The Report of the Judicial Committee No. 3, viz., the *Complaint* of Messrs. Tate, McIver and others, against the Presbytery of Fayetteville, in the case aforesaid, was taken up and adopted, and is as follows, viz.:

A Complaint of the Rev. Robert Tate, Colin McIver and others, was put into the hands of the Committee, in which they complain of a decision of the Presbytery of Fayetteville, by which they refused to reconsider certain decisions made at a former meeting of the Presbytery touching the case of the Rev. Archibald McQueen. The Committee are unanimously of the opinion that the General Assembly cannot entertain this Complaint, inasmuch as the complainants did not avail themselves of their right to complain of the aforesaid decisions within the time and in the manner specified in our Book of Discipline. The Committee believe that it was never intended that those who thus waived their right should have the right, at a subsequent meeting of the judicatory, on a mere motion to reconsider, to bring the whole previous action by complaint before the higher judicatory.—1846, p. 202, O. S.; see also next below.

10. A judicial case once adjudicated may not be revived on Memorial.

The *Complaint* of the Rev. James P. Fisher against the action of the Synod of Albany, in the case of the Rev. George H. Thatcher. It appears that the Presbytery of Albany allowed Mr. Thatcher to demit the office of the Gospel ministry, of which action Complaint was made by Mr. Fisher to the Synod in 1856. This Complaint was sustained, but no copy of it appears on Record, nor are the Minutes of the Presbytery, out of which the Complaint grew, before us. The Synod, in sustaining the Complaint, did not make any order to the Presbytery as to what disposition they should make of Mr. Thatcher; but no protest was entered against this action, nor was any Complaint taken to this body at that time. At the meeting of the Synod in 1857, a Memorial was presented from the Presbytery of Albany, asking Synod to define their action in the case, which Memorial was laid on the table. The Complaint now before us purports to lie against this latter action, but it is entitled a "Complaint of the action of the Synod in the case of the Rev. George H. Thatcher," and undoubtedly all the reasons of complaint are aimed against that action. The Judicial Committee recommend that the case be dismissed for the following reasons, viz.:

1. The complainant having failed at the proper time to make his Complaint of the action of the Synod in the case of Mr. Thatcher, has thereby forfeited his right to complain.

2. Were the Assembly to allow a judicial case, when once adjudicated, to be revived on a simple Memorial, it would give rise to endless litigation, insomuch that no judicial case could ever be known to be finally settled.

3. Even if the Assembly were disposed to entertain the Complaint, no intelligent or just decision could be had in the case, in the absence of the Complaint which the Synod sustained, and of the Records of the Presbytery in the original case.—1858, p. 297, O. S.

86. The complainant shall lodge his Complaint with the clerk of the superior judicatory within thirty days after the date of the notice thereof. Upon request, the clerk of the superior judicatory is authorized to furnish copies of the Complaint to the parties concerned, who shall bear the expense of the same.

87. Whenever a complaint is entered in a non-Judicial or administrative case against a decision of a Judicatory by at least one third of the members recorded as present when the decision was made, the execution of the decision shall be stayed until the final issue of the case by the next superior Judicatory.

88. If the higher judicatory finds that the Complaint is in order, and that sufficient reasons for proceeding to its determination have been assigned, the next step shall be to read the record of the action complained of, and so much of the record of the lower judicatory as may be pertinent; then the parties shall be heard, and, after that, the judicatory shall proceed to consider and determine the case.

1. A Complaint in a non-judicial case may be referred to a Committee.

a. At the request of the Committee on the Minutes of the Synod of New Jersey, the *Complaint* of Edward B. Hodge and others against said Synod was referred to the Standing Committee on Church Polity.—1901, p. 97.

b. The *Complaint* of E. B. Hodge and others against the Synod of New Jersey was again referred to the Committee on the Records of the Synod of New Jersey, with instructions to take up the case and report their findings to the Assembly. The Moderator was empowered to appoint additional members upon said Committee.—1901, p. 100.

[NOTE.—See above, for action taken, under Sec. 75, p. 620.]

c. *Complaint* of J. M. Ross and others against the Synod of Missouri, referred to Committee on the Minutes of the Synod of Missouri.—1902, p. 75.

89. The effect of a complaint, in a non-judicial or administrative case, if sustained, may be the reversal, in whole or in part, of the action or decision complained of. When a complaint is sustained, the lower judicatory shall be directed how to dispose of the matter.

1. The judicatory issuing a Complaint may not decline to adjudicate the merits of the case, and must observe the alternatives of the Book. It may not assume original jurisdiction.

On the *Complaint* of Mr. William H. Beecher and others against the Synod of Genesee, in the case of the Appeal of Dr. Frank from the decision of the Presbytery of Genesee, the General Assembly sustain the Complaint and reverse the judgment of the Synod on the following grounds, viz.:

1. That the merits of the case seem to be expressly declined by the Synod as the subject-matter of adjudication.
2. That the Synod appear not to have adhered to the alternatives prescribed by the Constitution (see Book of Discipline [Old], Chap. vii, Sec. iii, Subsec. x).
3. That the Synod seem to have forgotten the nature and the limits of their appellate, as distinguished from the original jurisdiction in the case; in that they censure at their bar the appellant in a way competent, in any circumstances, only to the Session of the church to which the appellant was primarily amenable.
4. That they seem to have forgotten also, in restoring the appellant, that some expression of repentance ought to have been exacted, especially if their reprimand could, from any tribunal, have been deserved. The Assembly, therefore, rule that the Synod of Genesee should review their proceedings in this case; and, regarding alike the rules of the Constitution and the merits of the case, that they proceed to issue the same with equity and wisdom.

In the matter of defining in what calumny consists, as connected with the case, the Assembly feel it not necessary to express any opinion farther than to recommend the principles of our Constitutional discipline.—1840, p. 11, N.S.

2. Reversal places matters in statu quo.

[In the *Complaint* of T. B. Clark and others against the decision of the Synod of Cincinnati:]

The parties having been heard, the Synod withdrew, and the roll was called for the opinions of the members. The question was then put, "Is the Complaint well founded?" and it was answered in the affirmative.

And it was

Resolved, That the Complaint be sustained, and the decision of the Synod of Cincinnati be reversed, and matters placed in the same situation in which they were before the Synod entered up its judgment in the case. —1841, p. 450, O. S.

3. Censure of the lower judicatories.

The Committee appointed to prepare a Minute to be adopted by the Assembly, in relation to the *Appeal* and *Complaint* of the Rev. Josiah B. Andrews, against a decision of the Synod of New Jersey, affirming a decision of the Presbytery of Jersey, by which Mr. Andrews was admonished, reported, and their Report being read, was adopted, and is as follows, viz.:

The General Assembly, after maturely and prayerfully considering the Appeal and Complaint of the Rev. Josiah B. Andrews, from a sentence of the Synod of New Jersey, adopted the following Minute, viz.:

While in the opinion of this Assembly, the Presbytery of Jersey in originating, conducting and issuing this prosecution, do not appear to have exercised that cautious regard to the provisions of the Constitution, in cases of process, which are so efficient in matters of discipline, and while they deem this applicable to the proceedings of the Presbytery in relation to both the parties,

Resolved, 1. That the sentence of the Presbytery and Synod, so far as it censures the Rev. Josiah B. Andrews, for an imprudence of conduct and a want of tenderness toward the reputation of certain members of the church in Perth Amboy, be affirmed and it hereby is affirmed.

2. That the sentence of the Presbytery and Synod, censuring the Rev. Josiah B. Andrews for "a very reprehensible degree of equivocation," be reversed, and it hereby is reversed.—1824, p. 106.

[Note.—See also under Book of Discipline, Sec. 73, iii, 3, d, p. 615, censure of the Synod of Cincinnati on review of Records.]

4. Complaint sustained, and the errors of the inferior judicatories detailed.

The Committee appointed to bring in a Minute in reference to the Complaint of the Rev. Thomas H. Skinner, D.D., and others against the Synod of Cincinnati, respectfully report the following, viz.:

The *Complaint* of the Rev. Thomas H. Skinner, D.D., and others against the Synod of Cincinnati, in the matter of Rev. William C. McCune, was found to be in order; and, after being heard, the vote on the same was taken.

The Complaint was declared to be sustained, and the action of the Synod reversed.

In this decision the Assembly affirm their judgment that the original charges brought against the Rev. William C. McCune before the Presbytery of Cincinnati in this case were proved by sufficient evidence under several of the specifications subjoined to the same. The Presbytery therefore erred in not sustaining these charges, and in not reprimanding

Mr. McCune for his unsound statements and his disloyal action in the premises. The Presbytery also erred in dismissing Mr. McCune under these circumstances to another denomination as in good standing. The Synod of Cincinnati erred in refusing to sustain the Complaint made against the Presbytery of Cincinnati for its action in this case.—1878, p. 103.

[Note.—See below, under Book of Discipline, Sec. 99, (4).]

90. The parties to a Complaint shall be known respectively as, Complainant and Respondent—the latter being the judicatory complained of, which should always be represented by one or more of its number appointed for that purpose, who may be assisted by counsel.

91. Neither the complainant nor the members of the judicatory complained of shall sit, deliberate, or vote in the case.

[Note.—See below, Book of Discipline, Sec. 98.]

92. Either of the parties to a Complaint may complain to the next superior judicatory, except as limited by Chapter xi, Section iv,* of the Form of Government.

93. The judicatory against which a Complaint is made shall send up its records, and all the papers relating to the matter of the Complaint, and filed with the record; and, for failure to do this, it shall be censured by the superior judicatory, which shall have power to make such orders, pending the production of the records and papers, and the determination of the Complaint, as may be necessary to preserve the rights of all the parties.

1. In the absence of the respondent and of the Papers in the case decision suspended until the Record is produced.

The Judicial Commission appointed to hear and issue the *Complaint* of John J. McCook, William Waith, John Machlin, M. L. Miller and James Gardner against the action of the Synod of New York on October 21, 1892, in finding in order a Complaint of the Rev. Francis Brown, D.D., against the action of the Presbytery of New York, on November 4, 1891, in sustaining the ruling of the moderator as to the status of the Prosecuting Committee, to which Complaint the names of 113 persons had been added after the ten days' limit fixed by the Book of Discipline had expired, met on May 27, at 8 P. M.

The Record containing the action was read, and one of the complainants, Mr. John J. McCook, was heard.

In the absence of any appointed representative from the Synod of New York, the Rev. Francis Brown, D.D., and Ruling Elder Alfred B. Smith, members of that body, were invited to address the Commission concerning the action of the Synod in the case. A letter was read from the Stated Clerk of the Synod, stating that the original Complaint, from some cause which does not seem to be any fault of his, had passed out of his reach.

The Complaint was found to be in order, and it was entertained. The following action was then taken:

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* *i. e.*, "Which do not affect the doctrine or Constitution of the Church," in which cases the decision of the Synod is final. See p. 246.

The Finding: The Judicial Commission finds that the Synod of New York has failed to appear before the court by any appointed representative; they further find that the Synod of New York, against which this Complaint is made, has failed to send up all the papers in the case, as provided for in Sec. 92 [now 93] of the Book of Discipline. The Commission recommends that the decision complained of be suspended until the Record is produced on which the issue can be thoroughly tried; and that the Synod of New York be directed to send up all the Papers relating to this Complaint with the Record, to the next General Assembly, and that the Synod appoint one or more of its members to represent it at said General Assembly.—1893, pp. 152, 153.

[Note.—See this *Digest*, p. 650, for the final action in this case.]

IV. OF APPEALS

94. An Appeal is the removal of a judicial case, by a written representation, from an inferior to a superior judicatory; and may be taken, by either of the original parties, from the final judgment of the lower judicatory. These parties shall be called Appellant and Appellee. Final judgments in judicial cases shall be subject to reversal and modification only by appeal, and no judicatory from whose final judgment an appeal shall have been taken shall be heard in the appellate judicatory, further than by the reading of the dissents, protests, and written opinions of its members assenting to or dissenting from its judgments. When a judicial case has been decided by a Judicial Commission of an inferior judicatory, sitting during an interval between the meetings of the electing judicatory, an appeal from the judgment of such Commission may be taken and prosecuted before a superior judicatory, in the same manner as if the judgment had been rendered by the judicatory.

[Note.—It is of the utmost importance that those consulting this *Digest* for guidance in connection with the carrying of causes to a higher judicatory on the basis of a "complaint" or an "appeal" should note the following facts:

First, prior to the adoption of the Constitution of 1821 no distinction was made between "a complaint" and "an appeal." The common form used was "we appeal and complain." Under this broad title any decision whatever was carried by any parties from the lower judicatories to the higher.

Second, The Constitution of 1821 defined "an appeal" to be "the removal of a cause already decided, from an inferior to a superior judicatory by a party aggrieved." Under the term "cause" all cases of whatever character which had been the subject of a decision by an inferior judicatory were included. Hence under the section of this *Digest* entitled "Of Appeals" will be found many decisions of cases which, under the present Book of Discipline would be acted on only as "complaints." They appear here in this *Digest* because of the questions decided.

Third, The Book of Discipline was very extensively amended in the year 1884. In connection with the changes made in the book at that time and subsequently, the definitions of "complaint" and "appeal" now contained therein were adopted. These definitions should be clearly understood and carefully borne in mind by all consulting the pages of this *Digest*, and all references to General Assembly actions in these earlier periods should be read with the fact in mind that the present distinction between a "complaint" and an "appeal" was not always as clearly recognized and followed, as the language of the book now requires.]

1. The death of the appellee bars the prosecution of an Appeal.

The Records of the Synod of New York were approved, except that, on p. 277, it appears that the Synod decided that the death of the Rev. Mr. Griffith should be no bar in the way of the prosecution of an Appeal by his prosecutor from the decision of the Presbytery of Bedford, acquitting Mr. Griffith.—1833, p. 400.

[NOTE.—The right to appeal or complain is not affected by the approval of the Minutes of the judicatory complained of. See this *Digest*, Vol. I, Book of Discipline, Sec. 73, iii, 4 and 5, pp. 615, 616.]

2. Appeals limited to judicial cases.

The *Complaint* of A. D. Metcalf, etc., against the Synod of Virginia, for deciding that Appeals may lie in cases not judicial, was taken up. The Complaint was sustained.—1839, p. 160, O.S.

3. Original parties only may appeal. Others may complain.

a. The Judicial Committee reported a Paper, signed by Dr. Cathcart and others, members of the Presbytery of Carlisle, purporting to be an Appeal or Complaint relative to a decision of the Synod of Philadelphia. The Committee gave it as their opinion that the subject could not be taken up on the ground of an Appeal, because these persons were not one of the original parties, but that it might be taken up in the character of a Complaint.—1823, p. 69.

b. *Judicial Case No. 4*, the Complaint and Appeal of the Presbytery of Passaic against the Synod of New Jersey. It was

Resolved, That the Assembly cannot entertain this case as one of Appeal, inasmuch as it has not been made by one of the original parties.

The case was then continued as a Complaint.—1861, p. 344, O. S.

c. In the case of the *Appeal* of Thomas H. Skinner *et al.*, from the Presbytery of Cincinnati, the Committee recommend that, inasmuch as the so-called appellants were not an original party, they are not entitled to an Appeal (Book of Discipline [Old], Chap. vii, Sec. iii, Subsec. xvii), and that, therefore, the case be dismissed.—1877, p. 575.

d. In the *Appeal* of George Fishbach *vs.* The Synod of Illinois South, the case was dismissed, *inter alia*, "because the appellant is not a party aggrieved."—1874, p. 62.

4. Decisions as to original parties.

a. *The person prosecuted and the prosecutor.*

[In the case of Mr. Barnes] Mr. Barnes was heard in support of his *Appeal*. Dr. Junkin, the original prosecutor, was heard in support of the charges until he finished. The Synod was heard by their Committee in explanation of the grounds of the decision.—1836, p. 260, etc.

The *Appeal* of W. J. Frazer against the Synod of Illinois. The sentence appealed from, the appellant's reasons for appealing and the Records of the inferior court, were read. Mr. Frazer, the appellant, and Mr. James Stafford, his prosecutor, who were the original parties, were heard.—1840, p. 288, O. S.

b. *The person claiming to be aggrieved and the judicatory appealed from.*

The parties in the case were then called, and R. J. Breckinridge was heard on behalf of Robert S. Finley.

A question arose when he concluded, respecting the original parties, whether the Presbytery of Elizabethtown or the Synod of New Jersey should be regarded as the other party, upon which the Moderator decided that the action of the Assembly in allowing James Hoge and Nathaniel Hewit to take the place of absent members of the Committee appointed by the Synod New Jersey, did virtually recognize the Synod as the party to be heard at this stage of the proceedings.—1858, p. 291, O. S.

c. *The Prosecuting Committee and the appellee.*

In the case of the Presbyterian Church in the United States of America against the Rev. Charles A. Briggs, D.D., being an Appeal to the General Assembly from a decision and final judgment of the Presbytery of New York, rendered January 9, 1893, the Judicial Committee beg leave respectfully to report that they have examined the Papers pertaining to this case, and find:

That the appellant in this case is the Presbyterian Church in the United States of America, represented by its Prosecuting Committee, appointed by the Presbytery of New York, and, as such appellant, has a right of appeal to this Assembly as an original party, and said Prosecuting Committee is entitled to conduct the prosecution, in all its stages, in whatever judicatory, until the final issue be reached.—1893, p. 104.

[NOTE.—See this *Digest*, Book of Discipline, Secs. 11 and 12, p. 555.]

d. *The appellant and the appellee.*

The Judicial Committee, in the matter of *Judicial Case No. 1*, begs leave to report:

In the case of the Presbyterian Church in the United States of America against the Rev. Henry Preserved Smith, D.D., being the Appeal to the General Assembly from the decision, action and judgment of the Synod of Ohio, rendered October 13, 1893, we have examined the Papers and conferred with the parties.

We find that the appellant is Rev. Henry Preserved Smith, D.D., and as such appellant he has the right to appeal to the General Assembly, the case being one of that nature in which the Appeal may be taken to the highest court of the Church, and we find that the Committee to conduct the prosecution appointed by the Presbytery of Cincinnati, in which Presbytery the case arose, has the right to conduct the prosecution, and hence to appear for the Presbyterian Church, the appellee in this court. —1894, p. 90.

[NOTE.—See this *Digest*, under Book of Discipline, Sec. 12, p. 555.]

5. Members of the judicatory trying a case are not parties in the case and may not appeal.

a. The Judicial Committee also reported on the *Appeal* of Dr. Joshua L. Wilson and others, against a decision of the Synod of Cincinnati, in the case of Dr. Beecher, that they have examined the same, and are of opinion that Dr. Wilson and others were not a party in the case, and consequently cannot Constitutionally appeal; and recommend that they have leave to withdraw their Appeal.—1834, p. 432.

b. An *Appeal* of the Presbytery of Omaha against the decision of the Synod of Iowa, in the case of Dr. G. C. Morrill. This case originated in the Session of the Second Church of Omaha, in which common fame was the accuser against Dr. Gilbert C. Morrill. After trial and judgment before the Session, it was carried, by appeal of the accused, to the Presbytery of Omaha, from whose judgment it was again carried, by Appeal of the accused, to the Synod of Iowa. The Synod remanded the case to the Session for a new trial, of which decision the Presbytery seeks a review by appeal to this Assembly.

In the judgment of the Judicial Committee, the Presbytery of Omaha is not one of the original parties to this case, and is therefore not competent to bring it before the Assembly by Appeal (Book of Discipline [Old], Chap. vii, Sec. iii, Subsecs. i and xvii). And they therefore recommend that the appellants have leave to withdraw their Papers.—1870, p. 27.

6. An Appeal may be made to the next superior judicatory by either of the parties to a Complaint.

[Note.—See this *Digest*, Book of Discipline, Sec. 92.]

7. No Constitutional provision for a second Appeal.

An *Appeal* and *Complaint* from Rev. E. Bailey Smith against the action of the Synod of New Jersey. It appearing that Mr. Smith had appealed from this same action to a former Assembly, the Committee are unable to perceive how this second Appeal can be entertained. The Book of Discipline (Old) makes no provision for any such second Appeal. Besides, even if such an Appeal were allowable, the reasons for it in this case were not lodged with the Assembly before the close of the second day of the session (as required by the Book of Discipline), and no new reasons are now assigned for it. It is, therefore, recommended that the Appeal be dismissed.—1876, p. 28.

[Note.—See this *Digest*, Book of Discipline, Sec. 96.]

8. Appeal withdrawn for the peace of the Church.

a. *Judicial Case No. 8*, being the Appeal of George W. F. Birch, D.D., *vs.* final judgment of the Presbytery of New York. Your Committee finds said Appeal *regular*, but inasmuch as the case raises difficult technical questions as to procedure (because, through the course that has been taken, the situation created is unique, and should not become a precedent), and also inasmuch as Rev. Dr. McGiffert has withdrawn from the jurisdiction of the Presbyterian Church in the United States of America, therefore, be it

Resolved, That without entering upon the Constitutional questions involved, and without any prejudice whatever to the appellant while entertaining the Appeal as regular, this General Assembly deems it best, considering the peace and prosperity of the Church, that the appellant be given leave to withdraw his Appeal.—1900, p. 82.

b. That the desire of Rev. Dr. George W. F. Birch, appellant, be granted, and the case be and hereby is closed.—1900, p. 85.

9. Memorials not proper in a judicial case.

The Judicial Committee respectfully reports with reference to the Memorial of the Session of the Fifth Avenue Church of New York City, expressing the desire that the General Assembly remand the case of Hermann Warszawiak to the Session of that church for a new trial, and the protest of four members of the Session, the Judicial Committee would respectfully report as follows:

Whereas, The Judicial Commission upon this case has already found that "this Memorial is not within the proper functions of a Judicial Commission," and,

Whereas, The General Assembly decided in 1893 [see *Minutes*, 1893, p. 91] that an inferior judicatory "has not the right by Overture to try to influence the decision of the Assembly on any pending judicial case," therefore,

Resolved, That the Memorial and protest be returned to the Session of the Fifth Avenue Church of New York City with a copy of this action of the Assembly.—1899, p. 128.

10. Complaint in a judicial case sustained, but no action taken because original party did not appeal.

Judicial Case No. 8. The Judicial Commission appointed by the General Assembly, to whom was referred the Complaint of the Rev. Charles A. Taylor against the Synod of Illinois for sustaining certain proceedings of the Presbytery of Bloomington in the case of the Rev. W. L. Rabe, entertained the Complaint, heard testimony on behalf of the parties, and took action as follows:

The Complaint of the Rev. Charles A. Taylor against the Synod of Illinois is sustained, and the action of the Synod of Illinois in approving the Record of the action of the Presbytery of Bloomington in passing the sentence of excommunication upon the Rev. W. L. Rabe, upon the plea of "guilty," entered by the counsel appointed by the Presbytery to represent the accused, who had refused to appear in obedience to a second citation, and had been suspended for contumacy, is disapproved, for the reason that the trial of the Rev. W. L. Rabe, was not in accordance with the provisions of the Book of Discipline; but inasmuch as the party himself does not appeal from the sentence, nor allege any wrong done him in the sentence imposed, no action is necessary.—1899, p. 127.

95. The grounds of Appeal may be such as these: Irregularity in the proceedings of the inferior judicatory; refusal to entertain an Appeal; refusal of reasonable indulgence to a party on trial; receiving improper, or declining to receive important, testimony; hastening to a decision before the testimony is fully taken; manifestation of prejudice in the conduct of the case; and mistake or injustice in the decision.

[NOTE.—In a majority of the cases cited below, it will be seen at once that under Sec. 94, they would be received only as Complaints, not being judicial cases, or brought by "either of the parties to a Complaint." They are cited here, however, because they contain valuable precedents—decisions which are not affected by the form in which they were brought.]

[In cases of Complaint involving a judicial decision, proceedings in an appellate judicatory shall be had in the order and as provided in Secs. 99 and 88.]

1. Appeals have been entertained and issued for refusing to permit a call.

a. *Appeal* of Rev. Henry R. Wilson *vs.* the Synod of Philadelphia. Sustained.—1814, p. 548.

b. *Appeal* of Presbytery of Hudson *vs.* the Synod of New York and New Jersey. The Appeal was sustained.—1817, p. 644.

c. *Appeal* of Rev. Mr. Edgar *vs.* the Synod of Erie. Dismissed on the ground that Presbyteries have discretionary power in such cases.—1875, p. 510.

[Note.—See this *Digest*, Form of Government, Chap. xv, Sec. ix, p. 434.]

2. Appeal against an installation in the face of a protest.

The Commission to whom was referred *Judicial Case No. 1*, being an Appeal by the minority of the church and congregation of Westfield from the judgment of the Synod of New Jersey, report:

The appellants complained to the Synod of the action of the Presbytery of Elizabeth in installing the Rev. Alexander McKelvey as pastor of said church and congregation, in disregard of the protest of the minority.

The Synod, at its annual meeting, held in Orange, October, 1875, tried the Appeal, with the following result of votes: to sustain the Appeal, 39; not to sustain, 39; to sustain in part, 4. The moderator ruled that the votes to sustain in part should not be counted, thus rendering the vote of Synod a tie of 39 to 39. He then gave a casting vote not to sustain the Appeal. The Synod then, for reasons stated, recommended that the Presbytery of Elizabeth use its influence to secure the dissolution of the pastoral relation existing between Mr. McKelvey and the church and congregation of Westfield. Your Commission decides that the Appeal from the judgment of the Synod should be and is hereby sustained. The four votes to sustain in part should have been counted with those to sustain, and the Synod is directed to correct its Record in this regard.

In view of the fact that a very large and influential minority of the congregation of Westfield have, from the beginning, been opposed to the pastorate of Mr. McKelvey, and since it seems certain that harmony will not be restored under his pastorate, and since it is in evidence that many of the members of the Synod who voted not to sustain the Appeal are of opinion that this pastoral relation should be dissolved, and in consideration of the fact that many of the acts of the Presbytery in the case have been hasty and irregular, the Synod of New Jersey is required and directed to enjoin the Presbytery of Elizabeth to dissolve, at an early a day as practicable, the pastoral relation of the Rev. Alexander McKelvey to the church and congregation of Westfield.—1876, pp. 63, 64; 1877, p. 508.

3. Appeal against a refusal to obey the superior judicatory.

An *Appeal* from, and *Complaint* against, a vote of the Synod of Philadelphia, in the case of Mr. Hindman.

The Committee appointed to draft a Minute respecting the Appeal from the decision of the Synod of Philadelphia, whereby they refused to revise a Minute of their preceding sessions, in the case of Mr. Hindman, and refused to take into consideration the conduct of the Presbytery of Lewes in the affair of his licensure, produced a draft to that purpose, which, after some amendment, was approved, and is as follows, viz.:

The Assembly having had the whole affair laid before them, and fully heard the parties, after mature deliberation, judged, that in the case of Mr. Hindman, there appeared to have been such a want of attention to the rules of this body, and neglect of order, as to afford just ground of uneasiness to the appellants, and to deserve the disapprobation of the Assembly. But inasmuch as acts which have been performed in an informal manner must often, when done, be sustained, the Assembly do hereby sustain the licensure and ordination of Mr. Hindman, while at the same time they enjoin it, in the most pointed manner, on the Synod of Philadelphia, to give particular attention that no Presbytery under their care depart, in any respect, from that rule of the former Synod of New York and Philadelphia.—1792, p. 56.

4. Appeal for refusing to receive an applicant.

A Complaint and *Appeal* of the Rev. Thomas Ledlie Birch, against certain proceedings of the Presbytery of Ohio, in the case of Mr. Birch, particularly for refusing to receive him as a member of their body. The Appeal was not sustained.—1801, pp. 213, 218.

[Note.—See this *Digest*, Form of Government, Chap. x, Sec. vii, p. 182.]

5. Against an order or decision of a judicatory.

a. An *Appeal* from the Session of the Third Presbyterian Church of Philadelphia from the decision of the Synod of Philadelphia, affirming a decision of the Presbytery of Philadelphia, in which decision the Presbytery required said Session within twenty days from the date of their decision, or after the final determination of the case, to convene the congregation for the purpose of electing a pastor, was determined in the affirmative.—1814, p. 559.

b. The Second Presbytery of Philadelphia appealed against and complained of the act of the Synod of Philadelphia, ordering it to be merged in the Presbytery of Philadelphia. Both Appeal and Complaint were sustained and the act of the Synod *pro tanto* declared void.—1834, p. 432.

c. The Assembly took up the *Appeal* and *Complaint* of the Second Presbytery of Philadelphia in relation to the decision of the Synod of Philadelphia dissolving them as a Presbytery.

The final vote was taken, first on the Appeal, which was sustained, and then on the Complaint, which was also sustained.—1836, pp. 273–276.

6. An Appeal will not lie against a judicatory for obeying the order of its superior.

Appeal of Rev. Mr. Hummer against the Presbytery of Highland. The last General Assembly passed the following order, viz.: That the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who, having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

In answer, the Assembly declares that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another

Presbytery who had been deposed, and therefore the action of the Presbytery of Highland, in restoring Mr. Hummer, was improper; and the Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the Constitution.

The Presbytery of Highland adopted the following Minute:

Whereas, We believe that our action in the reception of Brother Hummer was unconstitutional; and whereas, we have no choice, in view of the direct injunction of the General Assembly; therefore,

Resolved, That we do now proceed to reconsider the action of this Presbytery, by which Mr. Hummer was received into this body.

Resolved, That this action of Presbytery be understood as putting the case into the position it occupied previous to his reception.

Resolved, That Presbytery earnestly advise Mr. Hummer to appeal once more to the Presbytery of Iowa to take up his case, in order that, in the event of their refusal to do him justice, he may appeal to the Synod, and thence, if necessary, to the General Assembly, which resolution was adopted.

Against this proceeding Mr. Hummer appeals.

But it appears that the Presbytery of Highland did nothing more than they were required to do by the General Assembly; that is to say, they reconsidered and set aside the action which the Assembly had declared "irregular," "unconstitutional," and "improper." In the judgment of the Committee, an Appeal does not lie in such a case, and they recommend that it be dismissed, and Mr. Hummer have leave to withdraw his Papers.—1863, p. 35, O. S.

[Note.—See, also, in this *Digest*, p. 187.]

7. Appeal cannot be taken against obedience to the instructions of an Assembly.

a. *Judicial Case No. 3*, entitled an Appeal for C. W. Backus from a decision of the Synod of Kansas. Your Committee find that this case was before the last General Assembly, and was sent back to the Synod with certain instructions as to its disposition. We find from the Records of the Synod that these instructions have been complied with, and therefore recommend that the case be dismissed.—1901, p. 44.

[Note.—See also under Williamsport Case, this *Digest*, Book of Discipline, Sec. 99, p. 711.]

8. Appeal cannot be taken in case adjudicated by the Assembly.

[Note.—See Williamsport Case, action of 1903, this *Digest*, Book of Discipline, Sec. 99, p. 711.]

9. An Appeal dismissed because no evidence is presented to sustain the allegation.

Appeal and *Complaint* of certain persons claiming to be ruling elders of the church at Little Falls *vs.* the Synod of Albany.

That they have examined the Records and Papers in said case; and although the Appeal has been taken in proper form, and after due notice, yet, as there has been presented no evidence to sustain the allegations set forth as grounds of reversal, and as the allegations cannot therefore be tried by the Assembly, the Committee recommend that the said Appeal and Complaint be dismissed.—1861, p. 312, O. S.

Also case of William McElwee *vs.* Synod of Toledo.—1873, p. 509.

10. Appeal will not lie against a refusal to adopt a Paper; or to determine a Constitutional question in thesi.

The Judicial Committee having had under consideration *No. 1,* the *Appeal* and *Complaint* of the Rev. Robert J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia, on the quorum question; and *No. 2,* the Appeal and Complaint of the Rev. R. J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia, on the question of the imposition of hands in ordination, report, that in their opinion the Form of Government and Discipline of the Presbyterian Church do not authorize the appellants and complainants to bring before the General Assembly, either an Appeal or Complaint in the cases referred to.—1844, p. 366, O. S.

[Note.—See this *Digest,* Book of Discipline, Sec. 84, p. 631.]

11. Appeal cannot be taken against discretion of a judicatory.

Judicial Case No. 2, being the *Appeal* of J. C. Bose against the Synod of India. The Judicial Committee, finding that the Papers are in order, recommend to the General Assembly to dismiss the Appeal for the reason that the action of the Presbytery of Lahore in the case was one to be determined in the exercise of its discretion, and that there is nothing in the Papers in our hands to show any abuse of discretion on the part of the Presbytery, or anything objectionable in its manner.—1899, p. 61.

12. Nor where the judicatory acts within the limits of its power and authority.

The Special Committee, appointed to prepare a Minute expressive of the sense of the Assembly in passing the vote in the case of the *Appeal* of Silas Miller from the decision of the Synod of Illinois, recommended the adoption of the following Minute:

The Assembly, having heard the Appeal of Silas Miller from the decision of the Synod of Illinois, the sentence appealed from and the reasons assigned therefor, the whole Record of the proceedings of the Synod in the case, including all the testimony and the reasons of their decision; and having heard the original parties by their counsel, namely, the appellant, by his counsel, Rev. George I. King, D.D., and the Session of the church of Tuscola, by the Rev. Edwin Black; and having also heard the Rev. Livingston M. Glover, D.D., and others, members of the said Synod, in explanation of the grounds of their decision, and having carefully considered said Appeal and the reasons assigned therefor by the appellant, are of the opinion that there is no valid ground for the Appeal, in that it does not appear that the Synod exceeded its power and authority in the premises, or that it did any of the matters or things specified in Chap. vii, Sec. iii, Subsec. iii, of the Book of Discipline (Old), as being proper grounds of appeal; and therefore the Assembly do now order the

Appeal of said Silas Miller to be dismissed, and the decision of the Synod of Illinois to be confirmed.—1867, p. 516, N. S.

[NOTE.—See this *Digest*, under Book of Discipline, Sec. 84, p. 626.]

13. Nor where the action was regular and equitable.

Case of M. A. Rockefeller, H. N. Waples and M. E. Starick *vs.* the Synod of Harrisburg.

These persons complain and appeal, because the Synod decided their case without hearing both sides fully, since their representative was absent on the day of the hearing; and because of injustice, in that the Synod did not regard the embarrassments of their position, and the irregularity of the action of the Session and the Presbytery, from which they appealed.

The Committee learn from the Records of the Synod, to which these appellants refer, as their only testimony, that a full hearing was granted, their representative being heard as long as he desired to speak, and in his absence, after having addressed the Synod, another representative was permitted to serve in his place; and all the provisions of the Book were granted the appellants. Moreover, the decision of the Synod, from which the Appeal was taken, contained an injunction upon the Presbytery, to enjoin the Session to invite these members of the Church to return to their duties and privileges in the Church, with the assurance that, if they would do so, the action against them should be annuled. The Committee, therefore, fail to find ground for their Complaint, for either of the reasons they specify, and recommend that the case be dismissed.—1873, p. 509.

14. Nor when the Appeal is indefinite and general.

An *Appeal* of E. Bailey Smith from the decision of the Synod of New York, sustaining the decision of the Presbytery of Westchester deposing him from the Gospel ministry. Your Committee report that, having considered the Appeal of E. Bailey Smith, they find the same to be indefinite and general in its character, presenting no specific statement of facts in support of the reasons assigned in the Appeal, as cause of complaint against the act of the Synod. They, therefore, recommend that the Appeal of E. Bailey Smith be dismissed.—1875, p. 511.

15. Where no question of doctrine or law is assigned the Appeal not entertained.

[NOTE.—See Form of Government, Chap. xi, Sec. iv; also Chap. xii, Sec. iv.]

a. An *Appeal* of J. H. Rogers from an action of the Synod of Illinois.

Statement of the Case.—Mr. Rogers was suspended from church privileges by the Session of Prospect church, and, being dissatisfied with his sentence, appealed to the Presbytery of Peoria. The Presbytery declined to pass judgment upon the guilt or innocence of Mr. Rogers on the charges preferred, but decided that other conduct of Mr. Rogers, during the progress of his trial, justified his suspension. Mr. Rogers appealed to the Synod of Illinois from the decision of the Presbytery of Peoria on the grounds:

1. That they should have pronounced him guilty or innocent of the charges preferred.

2. That the Presbytery should not have sustained the Session's sentence which was not according to the indictment, but in condemnation of conduct and spirit indulged in during the progress of the trial.

The Synod sustained the Appeal of Mr. Rogers in both specifications as a whole, and remanded the case to the Presbytery, with instructions to find a definite judgment according to the evidence, and in a form prescribed by the law of the Church.

Your Committee is not able to discover, in the action of Synod in favor of the appellant, or in the reasons assigned by the appellant, any question of doctrine or law, and, not regarding it within our province to pass judgment upon the merits of the case, we recommend:

That the Appeal be not entertained.—1885, p. 642.

b. An *Appeal* of Rev. W. W. Campbell from an action of the Synod of Baltimore.

Statement of the Case.—At the joint request of Mr. Campbell and the Grove church, under the care of the Presbytery of Baltimore, the pastoral relation existing between Mr. Campbell and the Grove church was dissolved. The Synod of Baltimore sustained the action of the Presbytery.

Your Committee is of the opinion that the case does not come under the rule determining the character of cases to be judged by the General Assembly, but should be left to the discretion and judgment of the lower courts.

We therefore recommend that the Appeal of Rev. Mr. Campbell be not entertained.—1885, p. 643.

c. An *Appeal* of Rev. Samuel Storrs Howe from an action of the Synod of Iowa.

Statement of the Case.—Mr. Howe complains that the Synod of Iowa refused his application for aid for a mission chapel and academy.

This case is so evidently out of the province of the Assembly, and so manifestly a case to be decided by the discretion of the lower courts, and of the Boards from which aid is asked, that

The Committee recommends that the Appeal of Rev. Mr. Howe be not entertained.—1885, p. 643.

d. The *Complaint* of Oakland church, against the Synod of Tennessee. —1888, p. 77.

e. The *Complaint* of Rev. J. W. Cummings and Rev. S. C. Faris to the Synod of Ohio, against the Presbytery of Wooster, for changing the terms of a call without the consent of parties.

The Committee report that final jurisdiction in the case belongs to the Synod.—1886, p. 73.

f. The *Complaint* of certain members of the former Central church, Jacksonville, Ill., to the Synod of Illinois, against the action of the Presbytery of Springfield in uniting the First and Central churches of Jacksonville.

The Committee report that the Synod is the court of last resort in such cases.—1886, p. 73.

g. The Report of the Judicial Committee, in the case of Rev. N. West against the Synod of Minnesota, was read. Mr. West was heard on the question of the Constitutionality of the Appeal.—1888, p. 124.

[NOTE.—See this *Digest*, p. 637, c.]

h. *Complaint* of Rev. William M. Campbell against the Synod of Baltimore.

In the judgment of your Committee, this Complaint does not involve questions of doctrine or Constitution, and the judgment of Synod being final in all other cases, your Committee recommend that it be dismissed. —1891, p. 144.

i. *Appeal* of A. G. McAuley *vs.* the Synod of Pennsylvania. "This Appeal involves no question of Constitution or doctrine," the Committee recommend that it be dismissed.—1896, p. 128.

j. Clinton against the Synod of Ohio.—1901, p. 140.

k. Lee against the Synod of Missouri.—1898, p. 48.

l. Patterson against the Synod of New York.—1900, p. 136.

m. Riedy against the Synod of Texas.—1903, p. 133.

n. Schell against the Synod of North Dakota.—1898, p. 47.

[Note.—See also this *Digest*, p. 637.]

16. Dismissed because Appeal pending before Synod.

Judicial Case No. 2, being the Appeal of Herman Warszawiak from an action of the Presbytery of New York.

It appearing that the Complaint and Appeal in this case have been made and taken to the Synod of New York and are now pending in that judicatory, which proceedings the appellant still maintains, and no sufficient reasons being now given why the Appeal should not take the regular course, your Committee recommend that the Appeal be dismissed.—1898, p. 47.

17. Decisions rendered by the Permanent Judicial Commission upon Appeals.

a. *Judicial Case No. 5.*—Rev. Francis W. Pool *vs.* Synod of Montana. —The Presbytery of Great Falls, Montana, dissolved the pastoral relation between Francis W. Pool and the church at Havre. Mr. Pool appealed the case to the Synod of Montana, which sustained the action of the Presbytery.

The case came before the Permanent Judicial Commission on an Appeal of Francis W. Pool from the decision of the Synod of Montana, on the ground that the Commission appointed by the Presbytery exceeded its authority, also on an irregularity in its proceedings.

After hearing the parties in the case and their counsel, the Permanent Judicial Commission sustains the decision of the Synod and hereby dismisses the Appeal.—1915, p. 241.

b. *Judicial Case No. 3.*—Rev. John R. Ellis *vs.* Synod of Indiana.—In the matter of the Appeal of Rev. John R. Ellis against the action of the Presbytery of Indianapolis, in suspending him from the exercise of the functions of the Gospel ministry, March 23, 1914, and against the action of the Synod of Indiana thereon, in affirming the finding and decision of the Presbytery of Indianapolis, the Permanent Judicial Commission would report as follows:

Charges were preferred by the Presbytery of Indianapolis against the appellant, the Rev. John R. Ellis, and, after trial, the following judgment was entered against him, to wit:

"Upon the foregoing finding, the judgment of the Commission is, that the accused, John R. Ellis, be suspended from office as a minister of the Presbyterian Church in the United States of America. The recommendation of the Commission to the accused is: That he devote a year to outdoor life and recuperation."

The Rev. John R. Ellis appealed from this decision of the Presbytery of Indianapolis to the Synod of Indiana, and from the action of the Synod of Indiana, in affirming the judgment of the Presbytery, to the General Assembly.

The charge preferred against Mr. Ellis was "conduct unbecoming a minister of the Gospel, contrary to the Holy Scriptures and the rules and regulations of the Church founded thereupon."

Various specifications charging conduct unbecoming a minister of the Gospel were made and sustained.

The appellant alleged, among others, as ground for error in the findings against him, that the findings and decisions were not supported by, and are contrary to, the evidence; that improper and prejudicial evidence was admitted and considered; and that testimony by deposition, not made before any regularly appointed representatives of the Commission, and without any authority from the Commission to take the same, and without opportunity for cross-examination, as provided for in the Book of Discipline, Sec. 66, edition of 1913, was wrongfully admitted and considered.

After the reading of the Records in the case and the hearing of the parties concerned, both parties being represented by counsel, the Permanent Judicial Commission finds:

That the appellant was suspended on insufficient and improper evidence, and that there was not sufficient evidence to sustain the findings and judgment;

Therefore, the unanimous judgment of the Permanent Judicial Commission is, that the Appeal of the Rev. John R. Ellis be, and the same hereby is, sustained, and the action of the Trial Commission of the Presbytery of Indianapolis in suspending from office Rev. John R. Ellis as a minister of the Presbyterian Church in the U. S. A., and the recommendation of the Commission to the accused, "that he devote a year to outdoor life and recuperation," is reversed.—1915, p. 238.

18. Judicial Case No. 2.—J. Edie Stewart, Appellant, vs. The Synod of Colorado, Appellee.

The appellant in this case, the Rev. J. Edie Stewart, was suspended from the Ministry by the Presbytery of Gunnison. He appealed to the Synod of Colorado. The Synod found that the Appeal was "in proper form" but that there were "no grounds on which it could be entertained." Mr. Stewart therefore took this Appeal to the General Assembly.

The citation charged two offenses: First, lying. Second, obtaining money by means of false representations and false statements. The Presbytery found a verdict of guilty upon both charges.

In support of the charge of lying, the prosecution attempted to prove the writing of a letter in which a false statement was made. But the only proof of the contents of the letter is the testimony of witnesses who say they heard it read. Neither the letter itself nor a copy of it is in evidence. The witnesses produced do not even testify that they themselves read it, but only that they heard it read by another person. Such evidence is clearly hearsay and insufficient to support the conviction.

In support of the charge of obtaining money by means of false representations and false statements, the prosecution proved that Mr. Stewart sold mining stock to certain persons; that at the time of the sales he made statements as to the extent of the profits which stockholders would realize upon the investment and that such profits were not in fact realized. In other words, it was proved that Mr. Stewart was mistaken in his judgment as to the commercial possibility of their investment. It was not proved that he made a false representation or false statement as to any existing fact. Proof of mere failure to realize anticipated profits, is not sufficient proof to support a conviction upon a charge of obtaining money by false representations and false statements.

Opinion.

It is, therefore, the judgment of the Permanent Judicial Commission that the Appeal of the Rev. J. Edie Stewart from the Synod of Colorado be and the same is hereby sustained; that his conviction by the Presbytery of Gunnison be and the same is hereby reversed and his suspension from the ministry revoked; and that the Presbytery of Gunnison is hereby directed to restore the name of the said Rev. J. Edie Stewart to its roll of ministers in good standing.—1922, p. 223.

96. Written notice of Appeal, with specifications of the errors alleged, shall be given, within ten days after the judgment has been rendered, to the clerk, or, in the case of his death, absence, or disability, to the moderator, of the judicatory from whose judgment the Appeal is taken, who shall lodge it, with the records and all the papers pertaining to the case, with the clerk of the superior judicatory, not later than thirty days thereafter.

1. Notice of Appeal.

In the judicial case of the Presbyterian Church in the United States of
America (or Prosecutor) against
Defendant, (the Appellant) hereby gives notice of
his intention to appeal to (the next superior
judicatory) from the final judgment of (the
trial judicatory), Appellee in the above-entitled case, and for ground of appeal states and sets forth the following:

1.—(Here state the ground of appeal and errors alleged to have been committed in the trial, examples of which are set forth in Sec. 95, Book of Discipline.)
2.—Ditto.
3.—Ditto.
4.—Ditto.

Signature of Appellant.

Date
To Clerk (or Moderator) of (Judicatory
whose judgment is appealed from).

For rule as to service, see Sec. 96, Book of Discipline.—1913, p. 134.

2. Form of Appeal.

In the Judicial Case of the Presbyterian Church in the United States of America (or Prosecutor) against Defendant, (the Appellant) appeals to (the next superior judicatory) from the final judgment of (the trial judicatory appealed from in the above-entitled case), and hereby lodges his Appeal with (the clerk of the superior judicatory) on the day of 19 , and for grounds of such Appeal states and sets forth the following:

1.—(Here state in plain language, and consecutively, grounds of appeal and errors alleged to have been committed in the trial, examples of which are set forth in Sec. 95, Book of Discipline.)
2.—Ditto.
3.—Ditto.
4.—Ditto.

Signature of the Appellant.

Date

To Clerk of the superior judicatory to which the Appeal is taken.

For the time when the Appeal shall be lodged with the clerk of the superior judicatory, see Sec. 97, Book of Discipline.—1913, p. 135.

3. Notice of Appeal, with reasons in writing, must be given within ten days after judgment.

a. An *Appeal* of Mr. Benjamin Bell, from a decision of the Presbytery of Geneva, and also an Appeal of Mr. Bell from the decision of the Synod of Geneva, were laid before the Assembly by the Judicial Committee. These Appeals were both dismissed, on account of the judicatories, from whose decisions they had been taken, not having received due notice from Mr. Bell that he designed to prosecute them before this Assembly.—1821, p. 25.

b. The *Appeal* of Mr. Charles Yale from a sentence of the Presbytery of Bath, deposing him from the Gospel ministry, was taken up and dismissed, because it appeared that Mr. Yale gave notice to said Presbytery that he should appeal to the Synod of Geneva, several days before he signified his desire to the Moderator of Presbytery to appeal to the General Assembly.—1826, p. 187.

c. *Resolved*, That the *Appeal* [of certain pew owners of the First Presbyterian Church in Troy] be dismissed, on the ground that the Synod has not had the Constitutional notice of the reasons of the Appeal.—1828, p. 242.

d. *Appeal* of George Fishbach dismissed because he did not file his reasons within ten days after Synod.—1874, p. 62.

[NOTE.—Under the old Book of Discipline, notice of Appeal, with reasons, was given within ten days *after the rising of the judicatory*. See also this *Digest*, Book of Discipline, Sec. 85, "Notice of Complaints," p. 647.]

4. Evidence required that notice has been given.

a. The Judicial Committee recommend that said Appeal be dismissed on the ground that the only Paper which appears to be intended as an Appeal is without date or signature, or evidence that it was ever before the Synod of Genesee, or lodged with the moderator of said Synod.—Appeal of Bergen church.—1830, p. 292.

b. The *Complaint* of John Cochran against the Synod of Philadelphia. The complainant had leave to withdraw his Papers on the ground that the Committee have no evidence that notice of said Complaint was given to the Synod.—1834, p. 434.

c. *Protest* and *Appeal* of Rev. J. W. Martin against certain action of the Presbytery of Philadelphia North, with regard to the Hermon church, Frankford. The Committee recommend that the protest and Appeal be dismissed, for the reason that it does not appear that any notice of the same has been given to the Synod appealed from.—1880, p. 68.

d. The Records of the Synod of Utica were approved, with the following exceptions:

1. That the Synod issued an Appeal from the inferior judicatory, when it appeared before them that an appellant had not given notice in writing that he should appeal, with his reasons assigned for appealing, as required by the Book of Discipline (Old), before the rising of the judicatory appealed from, or within ten days thereafter.

2. That the Synod violated the principles of the Constitution in qualifying the members of the inferior judicatory to ascertain whether an Appeal had been given, when the Book of Discipline requires that the Appeal shall be lodged in the hands of the Moderator; and further, that the inferior judicatory shall send authentic copies of all the Records, and of all the testimony relating to the matter of Appeal, up to the Synod, whose duty it is to issue the Appeal when found in order, and in accordance with the Book of Discipline,—1840, p. 12, N. S.

5. When a new trial is granted by the superior judicatory, notice must be given by the appellant of his intent to prosecute.

This *Appeal* of Mr. Craighead from a decision of the Synod of Kentucky was taken up, and, being read, it appeared on inquiry that the Synod of Kentucky was not ready for trial, because Mr. Craighead had failed to give them notice that he intended to avail himself of the privilege granted by the last Assembly, by prosecuting his Appeal; therefore,

Resolved, That the further consideration of this Appeal be postponed, and that Mr. Craighead be informed, that if he wishes to prosecute his Appeal before the next General Assembly, he must give notice of his intention to the Synod of Kentucky.—1823, p. 92.

6. Failure of the judicatory to receive notice does not bar the appellant.

This Assembly are of opinion that Mr. Lowrey complied with the rule of the Book of Discipline, respecting the notice given, in the case of his Appeal; but as this notice appears not to have been received by the Synod, they were not censurable for not sending up the Records.—1824, p. 115.

[NOTE.—In this case the Assembly satisfied itself that the notice was sent within the ten days after the rising of the judicatory.]

7. Leave to show that notice has been given to the judicatory appealed from.

On motion of E. P. Humphrey, it was

Resolved, That the case be referred to the next General Assembly, with leave to appellants to show them that they gave the Synod notice for an Appeal.—Case of Davidson, Koons, *et al.*—1859, p. 540, O. S.

8. On evidence of notice the case reinstated.

No reasons accompany the Complaint, and there is no evidence that any notice of Complaint was given to the Synod. Complaint dismissed and leave given to withdraw Papers.—1865, p. 542, O. S.

The next year the complainant above came before the Assembly by Overture or Memorial, when action was taken as follows, viz.:

Also *Overture No. 21*, relating to an Appeal of the Rev. L. R. Lockwood, presented by his counsel, Rev. James Remington.

This Appeal against the Synod of Iowa, for not sustaining his Appeal from the Presbytery of Dubuque, was dismissed by the last Assembly, on the ground that no reason accompanied the Complaint, and there was no evidence that any notice of Complaint was given to the Synod. Mr. Lockwood now memorializes this Assembly, and alleges that the required notice of Appeal was given to the Synod, and that he was then, and still is, prevented from attending the Assembly during its last and present sessions, and he asks that his Appeal may be reinstated, and referred to the next Assembly for trial.

The Committee recommend that his request be granted. He further asks that the Assembly direct the Presbytery of Dubuque to grant him a new trial on the ground of new testimony.

The Committee recommend that this application be referred to the Presbytery of Dubuque, to the end that if the new testimony be found of sufficient importance to justify, that Presbytery may afford Mr. Lockwood the relief he asks. But if, in their judgment, a new trial ought not to be granted, that the Appeal shall stand for trial on the Record as now existing, before the next General Assembly.—1866, p. 72, O. S.

9. Appeal dismissed because no sufficient evidence that specifications were filed.

a. The Judicial Commission appointed to try *Judicial Case No. 3*, after due deliberation, find that there is no sufficient evidence to establish the fact that specifications of error, required by the rules, were given to the clerk of the Synod of Texas; and if said specifications of error were not given to said clerk, neither he nor said Synod was advised of an Appeal pending or of the necessity to transmit Papers concerning said Appeal to the Clerk of the General Assembly, and find further that no question of doctrine or Constitutional law is properly at issue in said matter of Appeal, and therefore we find, adjudge, and determine that the Appeal of Owen Riedy, appellant, from the Synod of Texas, be dismissed, without prejudice, however, to his right to make application to the Presbytery of Austin for a removal of the sentence of suspension heretofore imposed by said Presbytery.—1903, p. 133.

b. In the case of Riedy against the Synod of Texas, the appellant has failed to file a proper Appeal and specifications. The Papers are, therefore, not in order, and we recommend the dismissal of the Appeal.—1905, p. 86.

Dissent entered from judgment.

The following dissent from the finding of the Commission was presented, and order to be entered upon the Record:

We respectfully dissent from the finding and judgment of the above Commission in dismissing the Appeal of Owen Riedy from the decision of the Synod of Texas, and for the following reasons:

1. The majority of the Commission in its finding gives as a reason for the dismissal of the case that "there is no sufficient evidence to establish the fact that specifications of error, required by the rules, were given to the clerk of the Synod of Texas; and if said specifications of error were not given to said clerk, neither he nor said Synod was advised of an Appeal pending or of the necessity to transmit Papers containing said Appeal to the Clerk of the General Assembly." Now the Commission had already decided that the Appeal was in order, and had decided to entertain it, and so the finding of the majority of the Commission is in direct conflict with the decision of the Commission that the Appeal was in order.

2. The Commission in its finding gives as a reason for dismissing the Appeal that "no question of doctrine or Constitutional law is properly at issue in said matter of Appeal." We dissent from this finding on the ground that questions of Constitutional law are involved in the Appeal, as, for example, in the error of Synod assigned, such as an unconstitutional constitution of the court of trial.

3. The Paper containing the Petition of the appellant to the Presbytery for removal of Presbytery's suspension of him from the ministry is not produced by the lower court, and in the absence of this Paper it is impossible for the Commission to know by its own consideration whether that Paper fulfilled the conditions required for the removal of the suspension.

4. Since the Papers have not been produced by the lower court, the provisions of the Book of Discipline, Chap IX, Sec. 101, should be enforced, namely, that when the lower court has failed to send up the Papers "it shall be censured; and the sentence appealed from shall be suspended until a Record is produced on which the issue can be fairly tried." Joseph M. Duff, F. W. Rutherford, P. W. Bentley, Edwin S. Gray, Wm. Huntley Lloyd, E. B. Williams, and A. F. Alexander.—1903, pp. 133, 134.

97. Within thirty days after the date of the filing of the notice of Appeal, the appellant shall lodge his Appeal and specifications of the errors alleged, with the clerk of the superior judicatory, who shall notify him immediately of the date when he shall appear in person or by counsel before the judicatory appealed to, in readiness to support the Appeal. Failure to respond to such notice, unless he can show to the satisfaction of the judicatory that he was unavoidably prevented from so doing, shall be considered as an abandonment of his Appeal, and the judgment shall stand.

1. Personal attendance of the appellant is not necessary.

Personal attendance on the superior judicatory is not essential to the regular prosecution of an Appeal.—1822, p. 53.

2. Where neither the appellant nor any one in his behalf appears the Appeal is dismissed.

a. The *Complaint* of Rev. Henry Davis against a decision of the Synod of Utica, was taken up, and dismissed on the ground that the complainant has not appeared to prosecute his Complaint, nor any other person in his behalf.—1834, p. 454.

b. The *Complaints* of Rev. G. Duffield and W. R. de Witt were dismissed on the ground that neither the complainants themselves, nor any person on their behalf, are present to prosecute those Complaints.—1835, p. 490; 1864, p. 313, O. S.; 1865, p. 535, O. S.

c. The Committee reports two *Appeals* of the Rev. John W. Ellis, D.D., from decisions of the Synod of the Pacific.

The Committee finds that the Papers in these cases are not sufficiently full and explicit to warrant a judicial procedure in this body. And as the appellant is not present, in person or by counsel, and there is doubt whether the facts are such as to authorize an Appeal to the General Assembly on Constitutional grounds, it is recommended that the Appeals be not entertained, and that the Papers be returned to the appellant.—1892, p. 214.

d. An *Appeal* by H. H. Hammond, E. H. Kerr and L. W. O'Brien against the action of the Synod of Ohio in dismissing the Appeal taken by said parties from the action of the Presbytery of Dayton in the matter of said Hammond, Kerr and O'Brien *vs.* Rev. W. F. McCauley, a minister in said Presbytery. Your Committee recommends that the Appeal to the General Assembly be dismissed because not in order, the appellants not being present, either in person or by counsel, to prosecute their Appeal, as required by Sec. 97 of the Book of Discipline.—1894, p. 128.

e. *Complaint* of Rev. Donald Fletcher against the Synod of Iowa North for its action taken October 7, 1879, in the matter of his Complaint against the Presbytery of Waterloo. The Committee recommend that this Complaint be dismissed, on the ground of the failure of the complainant to appear, either in person or by counsel, to prosecute it.—1880, p. 68.

f. *Appeal* of E. C. Battelle *vs.* Synod of Nebraska—*inter alia*—"That no one appears to prosecute the case."—1896, p. 84.

3. In the absence of the appellant the judicatory assigns counsel.

a. The Judicial Committee brought before the Assembly an *Appeal* of Mr. Newton Hawes from a decision of the Synod of Genesee, affirming his suspension from the ordinances of the Church, which suspension had been determined by the church of Warsaw. Mr. Hawes not being present, Dr. Janeway and Mr. Phillips were appointed to defend and support his Appeal.—1823, p. 72.

b. The Assembly took up the *Complaint* against the Synod of Virginia by the Rev. Samuel Houston and Rev. Samuel B. Wilson, reported by the Judicial Committee. The complainants did not appear, but a written communication, containing the reasons of their Complaint, was laid before the Assembly. At the request of the complainants, Mr. Weed was appointed to manage their cause in their absence.—1827, p. 210.

4. In the failure of complainant to appear and prosecute, the Complaint dismissed and defendant sustained.

The Judicial Committee report the *Complaint* of E. N. Sawyer and others against the decision of the Synod of Chicago, in the case of O. M. Hoagland, as being fallen from by the failure of the complainants to appear and prosecute their Complaint. They, therefore, recommend that the complaint be dismissed, and that Mr. Hoagland be considered as entitled to all his former rights and privileges in the church of Hopewell.—1858, p. 276, O. S.

5. Case continued on satisfactory reasons given.

a. The Judicial Committee reported an *Appeal* by Mr. James Taylor, from a decision of the Synod of Pittsburgh, and that the communication of Mr. Taylor gave information that by reason of ill-health he was unable to attend to prosecute his Appeal before the present Assembly.

Resolved, That Mr. Taylor have leave to prosecute his Appeal before the next General Assembly.—1827, p. 211.

b. A *Complaint* of William M. Lively against a decision of the Synod of New York. Mr. Lively being unable, through sickness in his family, to attend at this time and prosecute his Complaint, the Committee recommend that, agreeably to his request, his Complaint be referred to the next General Assembly.—1851, p. 19, O. S.

c. An *Appeal* of Rev. M. Davis, from a decision of the Synod of Memphis, deposing him from the office of the holy ministry. The appellant being unable, by reason of ill health, to attend the sessions of the present Assembly, and desiring, in consequence, the continuance of his cause until the next General Assembly.—1851, p. 19, O. S.

6. Dismissed as not lodged in time.

a. The Committee report that the *Complaint* of George P. Strong and others, against the Presbytery of St. Louis, was not put into the hands of the Clerk of the Assembly until the third day of its business, it is therefore barred by the rule.

It was dismissed.—1863, p. 23, O. S.

b. Also *Complaint* of Dr. Alfred Nevin, against the Synod of Philadelphia. The Complaint did not come into the hands of the Moderator of this Assembly until Monday, the fourth day of the sessions. It is therefore barred by the rule.

Dismissed.—1863, p. 24, O. S.

c. The Judicial Committee reported an *Appeal* and *Complaint* of Rev. Dr. John W. Martin, against the action of the Presbytery of Allegheny City, for alleged irregularity in dissolving a pastoral relation. Also an Appeal and Complaint of Dr. Martin, against the Synod of Allegheny, in reference to its approval of the Minutes of the Presbytery alleged to be defective. Also an Appeal from the Synod of Southern Iowa, in the case of Robert Fulton, with the statement, in each of these cases, that the Papers were not placed in the hands of the Assembly, within the Constitutional time; and, therefore, they recommended, that the appellants have leave to withdraw the Papers.—1870, p. 106.

d. The Permanent Clerk reported that a Complaint had been put into his hands this morning, the ninth day of the session, from Mr. James Dickinson, a ruling elder in the church of Ripley, in the Presbytery of Buffalo.

Resolved, That inasmuch as this Complaint was not presented within the Constitutional time, the Assembly do not receive it.—1834, p. 429; see also 1837, p. 480.

e. A *Complaint* of Erwin Wheeler and A. Hallstraft, against the Presbytery of Des Moines, in the case of the Rev. Fisk Harmon. The Papers in this case were not presented until the fourth day of the sessions of the Assembly, and they are also imperfect. The Committee recommend that the parties have leave to withdraw their Papers.—1872, p. 51.

f. *Case* of Robert Byer *vs.* the Synod of Illinois South.

The Papers in this case did not come into the hands of the Committee until the fourth day of the session, and after parties interested in it had left, having been told that no such Papers had come before us within the time prescribed by the book, and we report no action in the case.—1873, p. 509.

[Note.—See also under "Of Complaints," Sec. 85, p. 651.]

7. Right to appeal lost by default of the appellant.

a. An *Appeal* of John F. Severance from, and Complaint of, a decision of the Synod of Cleveland at their last meeting, at St. Clairsville, O. As the matter involved was adjudicated more than two years ago, and the complainant suffered his right of Appeal to be lost by default, and cannot now reclaim it, and as he also failed to appear and prosecute his case, as required by Chap. vii, Sec. iii, Subsec. xi, of the Book of Discipline (Old), for which failure he has made no apology and given no reasons, the Committee recommended that the case be dismissed.—1879, p. 589.

b. *Whereas*, in *Judicial Case No. 4*, as reported by the Judicial Committee of 1878, and referred, by consent of parties, to this Assembly, being an Appeal of Mrs. Anna B. Harris from a decision of the Synod of Missouri, no steps have been taken by the appellant to prosecute the Appeal before this Assembly; therefore,

Resolved, That the case be dismissed.—1879, p. 618.

8. The appellant must furnish the necessary documents.

a. The Judicial Committee reported that they had had under their consideration Papers marked "Benjamin Bell's Appeal," which purports to be an Appeal from a decision of the Synod of Geneva; but there has been laid before the Committee no copy of the decision appealed from, no Appeal, nor reasons of the Appeal, nor indeed anything but Mr. Bell's plea, intended by him to be laid before the Assembly; wherefore the Committee requested to be discharged from further consideration of this case.

The request of the Committee was granted, and they were accordingly discharged.—1822, p. 45.

b. The Judicial Committee reported that they had before them an *Appeal* of Mr. Benjamin Bell, and requested that they be discharged from any further consideration of this Appeal, inasmuch as Mr. Bell has presented no documents but his plea, and no notice of this Appeal is to be found on the Records of the Synod of Geneva; and their request was granted.—1823, p. 87.

9. Deferred in the absence of necessary documents.

Mr. Bourne's Petition states a decision to have passed against him in the Lexington Presbytery, which by a supplementary Paper, he says, was on the 27th of December last, and contained a sentence of deposition, from which, on the next day, he gave notice to the Presbytery that he claimed an Appeal to the General Assembly. By his affidavit, taken before an alderman of this city, he further declares, that he, by the permission of the Presbytery, transcribed the Minutes of their proceedings; that he afterward wrote in form what he denominates an Appeal (meaning, it is presumed, his causes of Appeal), and transmitted it to the clerk of the Presbytery with a demand of the copy of the Records, and of that Paper; but that he had received a letter from the clerk refusing to remove them from the post-office. By his Petition, he asks to prosecute his cause before the Assembly, without having first brought his case before the Synod of Virginia; and that if such hearing cannot be granted him at present, that the Assembly will assign him a day. Whereupon,

Resolved, 1. That inasmuch as the Records of the Lexington Presbytery, the names of the parties to the suit, the charges made before them in writing against Mr. Bourne, the depositions of the witnesses, and other written documents, are not before the Assembly; and as every principle of equity forbids a process in the absence of documents so essential to it being rightly conducted—prayer for a hearing at this time cannot be granted.—1816, p. 626.

[NOTE.—The Appeal was taken up and issued.—1817, pp. 644, 646.]

10. Where the Appeal was in the house in season, the rule is virtually complied with.

The chairman of the Judicial Committee stated to the Assembly that an *Appeal* had been put into his hands from Duncan Hamilton and his wife, from a decision of the Synod of Pittsburgh, which Appeal had not been reported to the Clerk of the house, and asked the direction of the Assembly in the case. On inquiry, it appeared this Appeal was in the house in season; and the persons to whom it was entrusted were not aware of the Constitutional rule requiring that it be lodged with the Clerk.

Resolved, That, in the opinion of the Assembly, the rule has virtually been complied with.—1830, p. 302.

11. The rule interpreted liberally where due diligence has been used.

That, in examining the Papers and Records in the matter so referred, your Committee find as follows:

1. That although, in bringing the case before the General Assembly, there are some mistakes and omissions in the required forms of procedure,

such has been the good faith and diligence of the complainant and such would be the manifest and irretrievable injury he must experience if his Complaint be dismissed, that your Committee believe that, according to the spirit of our Book of Discipline (Old), the Complaint is properly before this body. That, in proof of the good faith and diligence of the complainant, it appears, that he was advised, by one of the oldest members of the Synod, to lodge his Complaint in the hands of the Stated Clerk; that, according to the certifying of the Stated Clerk, the Complaint was directed to him within the time prescribed by the Book of Discipline; and that the Stated Clerk of the Synod, when receiving the notice, believing it to be properly directed, neither informed the moderator of it, nor advised Mr. Todd of any mistake in its direction; but informed other members of the Synod of the Complaint, and finally put all the documents into the hands of the commission to this Assembly, to place them in due form before it. Your Committee are also assured, that Mr. Todd wrote to the Stated Clerk, two or three days previous to the opening of the Assembly, earnestly requesting that the Papers might not fail of coming before the Assembly; and, also, that he expressed the desire that, if his presence were necessary, he might be notified of it by telegram.—1863, p. 278, N. S.

12. In the absence of Records through the non-attendance of the commissioner, the Appeal received and referred.

The *Appeal* of Rev. C. J. Abbott against the action of the Synod of Missouri. The Committee reported as follows:

The Committee are verbally informed, that his case originated in the Presbytery of St. Louis, upon charges preferred by common fame against the appellant. The charges were sustained in the Presbytery, and on Appeal to the Synod were also sustained by the Synod of Missouri.

The Committee were also verbally informed, that an Appeal was taken from the action of the Synod, which in due course ought to have been presented to the last Assembly; that the Record was forwarded to the city of Philadelphia, but in consequence of the absence from that body of the commissioner to whose care the Record was committed, it failed to be presented; and the appellant now asks that his Appeal may be entered, and that it be referred to the next General Assembly for trial.—1862, p. 608, O. S.

13. Where the Appeal failed to be lodged in due time through mistake of the appellant, it was entered and referred.

The *Appeal* of Rev. John Turbitt from the decision of the Synod of Illinois, by which the action of the Presbytery of Peoria, in deposing the appellant, was affirmed.

The Committee reported as follows:

This Appeal appears to have been regularly taken, but was not lodged with the Clerk of this Assembly before the close of the second day's sessions (see Book of Discipline [Old], Chap. vii, Sec. iii, Subsec. vii). The Committee have reason to believe that the appellant was under the impression that the present meeting of this Assembly was to be at Dayton, in this State, and by forwarding his Papers to that place they were delayed, so that they were not received here until after the end of the fourth day's sessions. Under these circumstances, the Committee recommend that the Appeal be docketed. And as it satisfactorily appears to the Committee that the appellant has been providentially hindered from attendance at this session, they further recommend that the case be deferred to the next Assembly for trial.—1862, p. 611, O. S.

14. Where the case is continued at the request of the appellant, the sentence remains in full force until the case is issued.

The Judicial Committee reported that a Paper had been put into their hands, purporting to be a request from Mr. C. H. Baldwin, to the Moderator of the Assembly, that his Appeal from a decision of the Synod of Genesee be continued to the next General Assembly, and offering reasons for his failure to appear and prosecute it. It appears from the Book of Discipline (Old), Chap. vii, Sec. iii, Subsec. xi, that his case is regularly before us for reference to the next General Assembly, if his excuse for now failing to appear shall be deemed sufficient.

The Committee recommend that the Assembly, in view of the reasons offered, and out of a desire to grant the appellant every reasonable indulgence, continue his case agreeably to his request, it being understood that the sentence of the Presbytery remain in full force against him till the case be finally issued, in accordance with the provisions of our Book of Discipline (Old), Chap. vii, Sec. iii, Subsec. xv.—1858, p. 580, N. S.

15. Dismissed in absence of appellant with privilege of renewal.

a. The *Appeal* of Dr. James Snodgrass against a decision of the Synod of Pittsburgh was called up, and the Appeal was dismissed on the ground that the appellant has not appeared, either in person or by proxy, to prosecute said Appeal.

The Assembly, however, give to Dr. Snodgrass the privilege of prosecuting his Appeal before the next General Assembly, if he can then show sufficient cause for its further prosecution.—1832, p. 376.

b. In regard to a future prosecution of his Appeal, the appellant must present his case, with reasons for previous failure, before the next General Assembly, whose province it will then be to decide upon the whole subject.—1850, p. 463, O. S.

[NOTE.—Case of A. G. Fraser.]

16. Where an Appeal has been dismissed by error, the Assembly grant a restoration when satisfied of the error.

The consideration of the Report of the Committee to which had been referred the Rev. T. B. Craighead's letter was resumed, and the Report was adopted, and is as follows, viz.:

In the year 1811, an *Appeal* from a decision of the Synod of Kentucky, by T. B. Craighead, accompanied by a letter from the same, was laid before the General Assembly. But Mr. Craighead not appearing in person to prosecute his Appeal, permission was given by the Assembly, on the last day of their sessions, to the members of the Synod of Kentucky, who were present, to enter a protest against the prosecution of the aforesaid Appeal, at any future time. This was supposed to be required by a standing rule of the Assembly. The Appeal of Mr. Craighead was therefore not heard, and the sentence of the Synod of Kentucky was rendered final.

It moreover appears, that the General Assembly of the year aforesaid, having adopted the protest of the members of the Synod of Kentucky as their own act, did declare that Mr. Craighead had been deposed, whereas the decision of the Synod was suspension; and, although the Synod did direct the Presbytery to which Mr. Craighead belonged to depose him, if he did not, at their next stated meeting, retract his errors, yet this sentence could not have been Constitutionally inflicted, because Mr. Craighead appealed from the decision of Synod, the effect of which was to arrest all further proceedings in the case, until the Appeal should be tried; therefore the sentence of the Assembly declaring Mr. Craighead deposed does not accord with the sentence of the Synod, which was suspension.

From the above history of facts, your Committee, while they entirely dissent from many of the opinions contained in Mr. Craighead's letter, and consider its publication before it was presented to the Assembly indecorous and improper, are of opinion, that he has just ground of complaint in regard to the proceedings of the General Assembly of 1811 in his case, and that the construction put on the standing rule of the Assembly was not correct; for personal attendance on the superior judicatory is not essential to the regular prosecution of an Appeal. Moreover, the sentence of the Assembly, being founded in error, ought to be considered null and void, and Mr. Craighead ought to be considered as placed in the same situation as before the decision took place, and as possessing the right to prosecute his Appeal before this judicatory.

Ordered that the Stated Clerk forward to Mr. Craighead a copy of the foregoing Minute.—1822, p. 52.

17. The original rule as to abandonment of an Appeal.

On motion *Resolved*, That in case of an Appeal or Complaint entered in an inferior judicatory to a superior, if the appellant or appellants do not appear at the first meeting of the superior judicatory, protest may be admitted, at the instance of the respondents, at the last session of such meeting, that the Appeal is fallen from, and the sentence so appealed from shall be considered as final.—1791, p. 39; see 1791, p. 45.

Examples of the operation of the rule.

a. The Committee to which was referred the letter and *Appeal* of the Rev. Thomas B. Craighead reported that, after having carefully attended to the duty assigned them, they did not discover any sufficient reason why he has not come forward to prosecute his Appeal before the Assembly, nor why his case should not now be brought to issue; and therefore recommend that the representation from the Synod of Kentucky be permitted, if so disposed, to enter their protest in proper time against a future prosecution of his Appeal, and thus give effect to a standing order of the General Assembly, that the sentence of the Synod be considered as final.

Resolved, That the foregoing Report be accepted, and that Mr. Craighead be furnished with an attested copy of this decision in his case.

The members of the Synod of Kentucky brought forward their protest, which being read, was accepted, and is as follows:

The Rev. Thomas B. Craighead having appealed to the General Assembly from a decision of the Synod of Kentucky, made in the month of October last, by which decision the said Synod directed the Presbytery of Transylvania to depose the said Thomas B. Craighead from the Gospel ministry, which was done accordingly, and whereas the said Mr. Craighead has not prosecuted his Appeal to the General Assembly, and the subscribers, members of the Synod of Kentucky, have waited till the last day of the sessions of the Assembly, to afford opportunity for the prosecution of said Appeal; we do, therefore, now protest in our own name, and on behalf of the Synod of Kentucky, against the future prosecution of said Appeal, and declare the sentence of the Synod final, agreeably to a standing order of the General Assembly.—1811, p. 481.

b. From the Records of the Synod of Kentucky, it appeared that Guernsey G. Brown had appealed from a decision of that body in his case to the General Assembly. As Mr. Brown has not appeared to prosecute his Appeal, and the commissioners from the Synod of Kentucky required that his absence may, according to a rule of the Assembly on the subject, preclude him from a future hearing; therefore,

Resolved, That Guernsey G. Brown be considered as precluded from prosecuting his Appeal.—1821, p. 30.

c. The *Appeal* of Benedict Hobbs from a decision of the Synod of Kentucky was taken up, and the appellant not being present to prosecute his Appeal, it was dismissed, and the sentence of the inferior court affirmed.—1834, p. 452.

d. The *Appeal* of Chloe G. Giles, from a decision of the Synod of Utica, was taken up, and the appellant not being present to prosecute her Appeal, it was dismissed, and the sentence of the inferior court affirmed.—1834, p. 452.

e. An *Appeal* of Mr. Thomas Davis from a decision of the Synod of Memphis. The Committee recommended the following action in this case, viz.:

Whereas, Mr. Thomas Davis has failed to appear before this Assembly to prosecute his Appeal from the Synod of Memphis; therefore,

Resolved, In accordance with the rule of the Book of Discipline (Old), in this case provided, that his Appeal be dismissed from the further attention of this body.—1852, p. 212, O. S.

98. Neither the appellant, nor the members of the judicatory appealed from, shall sit, deliberate, or vote in the case.

1. The moderator, being a member of the judicatory appealed from, will not sit.

a. *Resolved*, That no minister belonging to the Synod of Philadelphia, nor elder who was a member of the judicature when the vote appealed from took place, shall vote in the decision thereof by this Assembly.

The moderator, being a member of the Synod of Philadelphia, withdrew, and Dr. McKnight took the chair.—1792, p. 56.

b. The *Appeal* of Mr. Pope Bushnell was resumed. The moderator being a member of the Synod appealed from, Mr. Jennings, the last moderator present, took the chair.—1826, p. 184.

c. *Judicial Case No. 1* was taken up. The moderator being a party in the case vacated the chair, and on motion, Dr. Krebs was requested to act as moderator during the trial of the case.—1866, p. 48, O. S.

d. The moderator, on the ground of his being a member of the Synod complained of, voluntarily relinquished the chair, while this case should be pending.—1852, p. 164, N. S.

2. An interested party should not sit on a trial.

The Records of the Synod of Genesee were approved, with the following exception: Of the decision of the moderator, recorded on p. 151, that a member of a Synod, who might be interested in a case under trial, cannot be challenged; which decision is unconstitutional, and ought to be reversed by that Synod.—1846, p. 20, N. S.

3. Members of the judicatory appealed from may not vote.

a. The Synod of Mississippi acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the Report of the Judicial Committee on the Complaint of Rev. Mr. Smylie.—1850, p. 481, O. S.

b. The action of the Synod of Harrisburg in the Complaint of Ebenezer Erskine declared irregular and unconstitutional, *inter alia*, "3. Because the Presbytery of Carlisle was allowed to vote in the case, contrary to the Book of Discipline (Old), Chap. vii, Sec. iv, Subsec. vii."—1874, p. 74.

c. The Judicial Commission presented its finding in the judicial case of Lee *vs.* the Synod of Missouri, and the same was ordered to be entered on the Record. The Report is as follows:

The Judicial Commission, to which was referred the Appeal of the Rev. William J. Lee, D.D., by his counsel, Hon. Selden P. Spencer, from the action of the Synod of Missouri, in refusing to entertain the Appeal from the judgment of the Presbytery of St. Louis, beg leave to report:

That without entering upon the merits of the case as determined by the Synod, we sustain the Appeal upon grounds of irregularities in the mode of procedure; first, in that the members of the Presbytery of St. Louis were permitted to vote on the question of an Appeal from their own judgment, and, second, in that no reason is assigned for refusing to entertain the Appeal; and the case is hereby remanded to the Synod of Missouri, with an injunction that the question of entertaining the Appeal from the judgment of the Presbytery of St. Louis be reconsidered and acted upon in a regular and Constitutional manner.—1897, p. 95.

[Note.—Applies also to "Of Complaints," Sec. 91, p. 655.]

4. Members of a judicatory appealed from may speak on postponement.

Appeal and *Complaint* of R. S. Finley, etc., against the Synod of New Jersey.

A motion was made by James Hoge to postpone the trial of this case to the next General Assembly.

This motion was discussed at length, the moderator deciding, in the course of the discussion, that the members of the Synod of New Jersey might speak on such a motion.—1858, p. 291, O. S.

5. An elder belonging to the judicatory appealed from, though not a member of the judicatory when the case was issued, may not sit.

A question was raised by Mr. Cunningham, an elder from the Synod of Philadelphia, who was not a member of Synod at the meeting at which the case of Mr. Barnes was tried and issued, whether he has a right to vote in this case in the Assembly. After some discussion, the moderator decided that Mr. Cunningham, and any other members of the Assembly from that Synod similarly situated, have a right to vote in the Assembly. From this decision of the moderator an Appeal was taken, when, by a vote of the Assembly, the decision of the moderator was not sustained, and it was decided that Mr. Cunningham, and others similarly situated, have no right to vote on the case in the Assembly.—1836, reprint, p. 524.

6. Ministers who have been dismissed to other bodies before the action complained of are not excluded.

A motion was made that Dr. Skinner and Mr. Dashiell, who, at the time the trial was commenced in the Second Presbytery of Philadelphia were either not dismissed from that body, or had not yet connected themselves with any other, though they did not meet with the Presbytery, and before the meeting of Synod were members of other Presbyteries, should not sit in judgment in the case of Mr. Barnes. This motion was decided in the negative.—1836, reprint, p. 524.

7. A case is remanded where members of the judicatory appealed from act in their own case.

Cases of Mr. Jefferson Ramsey and Rev. Andrew B. Cross *vs.* the Synod of Baltimore.

The persons named appeal from a decision of the Synod, by which a Complaint of Mr. Ramsey against the Presbytery of New Castle, and one of Mr. Cross against the Presbytery of Baltimore, were dismissed as having no ground, on report of the Judicial Committee of the Synod.

Your Committee learn from the Records of the Synod that one clergyman and one layman respectively from each of these Presbyteries were members of the Judicial Committee; that the moderator of the Synod was a member of the Presbytery of New Castle, and the moderator, *pro tem.*, who was in the chair at the time of the action complained of, was a member of the Presbytery of Baltimore; that the case was not stated in any form to the Synod, but when the Judicial Committee reported, in each case, that there was no ground of complaint, their Report was adopted under the call for the previous question. From all these facts, the Committee are of opinion that the cases should be readjudicated by the Synod of Baltimore, and so recommend to the Assembly.—1873, p. 508.

99. When due notice of an Appeal has been given, and the Appeal and the specifications of the errors alleged have been filed in due time, the Appeal shall be considered in order. The judgment, the notice of Appeal, the Appeal, and the specifications of the errors alleged, shall be read; and the judicatory may then determine, after hearing the parties, whether the Appeal shall be entertained. If it be entertained, the following order shall be observed:

(1) The record in the case, from the beginning, shall be read, except what may be omitted by consent.

(2) The parties shall be heard, the appellant opening and closing.

(3) Opportunity shall be given to the members of the superior judicatory to be heard.

(4) The vote shall then be separately taken, without debate, on each specification of error alleged, the question being taken in the form: "Shall the specification of error be sustained?" If no one of the specifications be sustained, and no error be found by the judicatory in the record, the judgment of the inferior judicatory shall be affirmed. If one or more errors be found, the judicatory shall determine, whether the judgment of the inferior judicatory shall be reversed or modified, or the case remanded for a new trial; and the judgment, accompanied by a recital of the error or errors found, shall be entered on the record. If the judicatory deem it wise, an explanatory minute may be adopted which shall be a part of the record of the case.

Under the former Book it was held by many that when an Appeal or Complaint was "found to be in order" it must necessarily be tried. The Assembly of 1874, p. 74, decided "that the action of the Synod of Harrisburg in dismissing without trial the Complaint of the Rev. Ebenezer Erskine against the Presbytery of Carlisle, is hereby declared irregular and unconstitutional, for the following reasons: 1. Because the Synod dismissed the case without trial, after having admitted that the Papers were in order."

On the other hand, Appeals and Complaints found to be in order have been dismissed for reasons assigned, *e. g.*, case of Mr. Smylie, 1847, O. S., p. 385; below, Sec. 99, 3, 1874, p. 62; because the decision of another case covered the one presented.

1878, p. 117. The Complaint of the Rev. Drs. N. West and Thomas H. Skinner against the Synod of Cincinnati: The Papers are found in order, and an order of trial adopted. But, p. 118, leave was given the complainants to withdraw their Complaints, "the ground of said Complaint having been virtually covered by the Report of the Committee on the Records of the Synod of Cincinnati." See this *Digest*, p. 639.

1881, p. 586. Complaint of the Rev. Arthur Crosby *vs.* the Synod of Long Island. The Committee (Judicial) find the Papers in order, but recommend that the Complaint be dismissed, for reasons assigned. See this *Digest*, pp. 635, 636.

Under the present rule the judicatory, after hearing the parties, may determine whether the Appeal shall be entertained.—M.

I. INITIATION OF PROCEEDINGS.

1. The Appeal or Complaint is transmitted to the Judicial Committee.

All complaints and Appeals shall be transmitted by the Stated Clerk to the Judicial Committee.—*Standing Rule No. 30,* p. 329.

2. The Judicial Committee and its duties.

In all cases before a judicatory, where there is an accuser or prosecutor, it is expedient that there be a Committee of the judicatory appointed (provided the number of members be sufficient to admit it without inconvenience), who shall be called the "Judicial Committee," and whose duty it shall be to digest and arrange all the Papers, and to prescribe, under the direction of the judicatory, the whole order of proceedings. The members of this Committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the cause as members of the judicatory.—Rules for Judicatories, No. xli, p. 376, this *Digest*.

3. In the absence of Records, the decision of the Appeal should be suspended. Parole evidence will not supply the place of the Records.

In the case of Samuel Lowrey (see 1823, p. 92) it appeared on inquiry that neither the Records of the Synod of Ohio nor the Records of the Presbytery of Miami were brought to the Assembly; but as the delegates belonging to the Synod admitted it to be a fact, as stated in Mr. Lowrey's Appeal, that the Presbytery of Miami did appoint a special Session, composed of elders belonging to different congregations, for the purpose of trying Mr. Lowrey, and that the decision of such a special Session was affirmed by the Synod of Ohio; therefore,

Resolved, That the Appeal of Mr. Lowrey be sustained, and it hereby is sustained.—1823, p. 92.

Against this decision the Synod of Ohio memorialized the Assembly, and the Assembly *inter alia* declare:

This Assembly are of opinion that the correct mode of proceeding for the last General Assembly, would have been, to have suspended a decision on the Appeal, until the Records of the inferior judicatories should have been present, because the rules in our Form of Government prescribe, that before a judgment is given, all the proceedings of the inferior judicatories in the case should be read and it is a sound maxim, generally admitted in courts of justice, that the best evidence which the case admits of should be required, which, in all trials, is undoubtedly the Record of the judicatory. But while they entertain this opinion of the mode of proceeding, they believe that the decision of the last General Assembly was substantially correct, and was not different from what it would have been if they had had all the proceedings of the inferior judicatories before them; for the fact on which they founded their judgment has been fully confirmed to this Assembly, by the Records which have been read in the discussion of the case.—1824, p. 115.

[NOTE.—See this *Digest*, under Book of Discipline, Sec. 93, p. 655.]

4. The Appeal (or Complaint) found in order.

a. The Judicial Committee presented its Report in the case of the Presbyterian Church in the U. S. A. *vs.* Rev. Charles A. Briggs, which was accepted, as follows:

The Judicial Committee respectfully reports that it has carefully considered the documents submitted to it in this case, and adopted the following resolutions:

1. That, in the opinion of this Committee, the Appeal taken by the Presbyterian Church in the United States of America, an original party represented by the "Committee of Prosecution," appointed under Sec. 11 of the Book of Discipline, has been taken from the final judgment of the Presbytery in dismissing the case; and that the said Committee had the right to take this Appeal representing the said original party.

2. That it finds that the notice of the Appeal has been given, and that the Appeal, specifications of error, and Record have been filed in accordance with Secs. 96 and 97 of the Book of Discipline, and the Appeal is in order.

3. That in the judgment of the Committee, the Appeal should be entertained, and a time set apart for the hearing of the case.

In view of these considerations, the Committee reports that the Appeal is in order, and that the General Assembly should proceed in accordance with the provisions of Sec. 99 of the Book of Discipline, by causing the judgment appealed from, the notice of Appeal, the Appeal, and the specifications of the errors alleged, to be read; then to hear the appellant by the Committee of Prosecution; then the defendant in person, or by his counsel; then the appellant by the Committee of Prosecution in reply, upon the question "whether the Appeal shall be entertained?"—1892, p. 90.

So much of this Report as relates to the Appeal being found to be in order, was adopted.—1892, p. 118.

b. The Judicial Committee presented a Report in the case of the Presbyterian Church in the U. S. A. *vs.* the Rev. Charles A. Briggs, D.D., being *Judicial Case No. 1*. It was

Resolved, That the General Assembly finds that due notice of Appeal in this case has been given, and that the Appeal and the specifications of the errors alleged have been filed in due time, and that the Appeal is in order in accordance with the provisions of the Book of Discipline.—1893, p. 70.

c. The Judicial Committee, in the matter of *Judicial Case No. 1*, begs leave to report:

In the case of the Presbyterian Church in the United States of America against Rev. Henry Preserved Smith, D.D., being the Appeal to the General Assembly from the decision, action and judgment of the Synod of Ohio, rendered October 13, 1893, we have examined the Papers and conferred with the parties.

We find that the appellant is Rev. Henry Preserved Smith, D.D., and as such appellant he has the right to appeal to the General Assembly, the case being one of that nature in which the Appeal may be taken to the highest court of the Church, and we find that the Committee to conduct the prosecution appointed by the Presbytery of Cincinnati, in which Presbytery the case arose, has the right to conduct the prosecution, and hence to appear for the Presbyterian Church, the appellee in this court.

The notice of Appeal has been timely and duly given, and the Appeal and specifications of error alleged and the Record in the case filed, all in accordance with the provisions in the Book of Discipline, and said Appeal is found to be in order.

In our conference with both parties it has been agreed by both parties respectively, that the reading of the Record in the case be omitted and waived, except such parts thereof as either party may deem necessary to read in person, and also that their respective arguments on the entertainment of the Appeal be omitted. The Committee ,therefore, recommends that the Appeal be entertained. Any discussion on the question whether the Appeal should be entertained will require the opening of the whole case, which would require somewhat of a repetition of the trial proper. The parties having agreed to waive, being heard on that question before the Assembly, it is understood that the parties shall be at liberty to argue the whole case on the merits of the question of sustaining the Appeal, which would include, naturally, any questions, not purely formal or technical, which would arise on the question of entertaining the Appeal. This waiver by the parties of their right to be heard orally before the Assembly on that first question, is all to this end, that by the Assembly deciding at once to entertain the Appeal, time may be saved, a double presentation of the same statement of the merits avoided, and no party be prejudiced or lose any right, by going at once to the merits of the main questions involved. The recommendation which we make as to time to be allowed to the parties is made after full consultation with the parties. The Committee, therefore, recommend the adoption of the following:

Resolved, 1. That the General Assembly finds that due notice of the Appeal in the case has been given, and that the Appeal and specification of the errors alleged have been filed in due time, and that the Appeal is in order in accordance with the Book of Discipline.

Resolved, 2. That after the judgment, notice of Appeal, Appeal and specifications of error have been read, the Assembly shall by its vote determine whether the Appeal shall be entertained.

Resolved, 3. That the General Assembly having first decided to entertain the Appeal, the appellant shall have three hours to present his case, that the appellee be allowed four hours to present the case of the appellee, that the appellant have one hour to close, that one hour be given to the Synod of Ohio, the judicatory appealed from, due regard being had to the hearing of both sides alternately, that the roll be called to give the members of the Assembly an opportunity to be heard, not longer than three minutes each, no speaker to speak more than once unless the Assembly shall otherwise order, and that thereafter the vote shall be taken upon each specification of error alleged, the form of the question being: Shall this specification of error be sustained?—1894, pp. 90, 91.

5. The judgment, notice of Appeal, etc., read.

Case of Charles A. Briggs, D.D.:

The judgment, the notice of Appeal, the Appeal, and the specifications of the errors alleged were read, as directed in the Book of Discipline, Sec. 99, by the Stated Clerk.—1892, p. 118.

[Note.—See also case of Dr. C. A. Briggs, 1893, p. 70; of Dr. H. P. Smith, 1894, p. 91; of Burt Estes Howard; J. C. Salisbury; and William P. Craig, 1896, p. 48; and of David R. Breed, D.D., 1896, p. 84.]

Case of Dr. Charles A. Briggs:

The Assembly determined, after hearing the judgment, the notice of Appeal, the Appeal, and the specifications of the errors alleged, that the Appeal shall be entertained.—1892, p. 119; 1893, p. 95.

[Note.—See also cases of Dr. H. P. Smith, 1894, p. 91; of Burt Estes Howard; J. C. Salisbury; and W. P. Craig, 1896, p. 48; and of David R. Breed, D.D., 1896, p. 84.]

II. READING THE RECORD.

If it be entertained, the following order shall be observed:

99. (1) The record in the case, from the beginning, shall be read, except what may be omitted by consent.

[NOTE.—For convenience, the four parts of Sec. 99 are printed separately. The entire Section is given on p. 684.]

1. Reading of the documents by consent dispensed with.

a. The Assembly entered on the consideration of two Appeals of the Rev. Robert B. Dobbins, from the decision of the Synod of Kentucky, in the cases of the Rev. William L. Maccalla, and the Session of the Church of Augusta. The Rev. Dr. E. S. Ely appeared in behalf of Mr. Dobbins. The parties were heard until they declared themselves satisfied (the facts having been admitted by them, and the reading of the documents by consent dispensed with). The roll was then called, that the members of the Assembly might express their opinions on the subject; after which Drs. Wylie, M'Dowell and Leland were appointed a Committee to prepare a Minute on the subject.—1824, p. 120.

b. On the questions of the reading of the Record of the case, and as to what constituted said Record, it was

Resolved, That the Record as certified by the Stated Clerk of the Presbytery of New York be read, or agreed to be considered as read by the appellant and the appellee, and that the parties be heard afterwards upon their objections to the Record or any part of the same, as certified, without any waiver of their rights as to the said Record being made, by their having consented to the Record as certified, being read, or considered as read. It was also

Resolved, That it is the judgment of the General Assembly that we cannot here correct the Records of the Presbytery of New York in this case, and that having heard objections and contra-objections to these Records, we refer the parties to the Presbytery of New York as the only body having the right and power to hear objections and make corrections; and that we accept the written Records in this case; and that the official stenographic Report be considered part of the Record.

The Hon. Jason W. Strevell gave notice that in due time he would enter his protest against the above decision.

The appellant and appellee consented to waive the reading of the Record of the case, and agreed to submit said consent in writing to-morrow morning.—1892, pp. 119, 120.

[NOTE.—Case of Charles A. Briggs, D.D., *Digest*, 1930, Vol. II, pp. 305–316.]

c. The Judicial Committee presented a Report recommending the following order in the determination of the Appeal, which has been entertained by the General Assembly, in *Judicial Case No. 1*. The Report was adopted, and is as follows:

Resolved, 1. That inasmuch as the reading of the Record in the case has been, by consent of parties, omitted, except such parts thereof as they may deem necessary in presenting their respective arguments, the parties shall at once be heard, the appellant opening and closing the case, four hours and a half being allowed to the appellant and seven hours to the appellee.

Resolved, 2. That the members of the judicatory appealed from, namely, the Presbytery of New York, shall then be heard, two hours being allowed for this purpose, and ten minutes being granted to each speaker, it being understood, however, that any member shall have the privilege of yielding his time to another member.

Resolved, 3. That the members of the General Assembly shall then be heard for two hours, speakers to be limited to ten minutes, according to the Standing Rule.

[NOTE.—This third resolution declared unconstitutional. See p. 692.]

Resolved, 4. That thereafter the vote shall be taken upon each specification of error alleged, the form of the question being, "Shall this specification of error be sustained?"—1893, p. 132.

[NOTE.—Case of Charles A. Briggs, D.D., 1893. See, also, cases of Burt Estes Howard and of J. C. Salisbury *et al.*, 1896, pp. 132, 133. Complaint of William P. Craig, 1896, p. 152; Complaint of David R. Breed, D.D., 1896, pp. 90, 91.]

2. Certified copies distributed by consent.

a. *Appeal* of the Rev. Isaac M. See from a decision of the Synod of New Jersey. This is in order.

The Papers are present in pamphlet form, certified by the Stated Clerk of the Synod to be correct, and accepted by the appellant. A copy of this pamphlet will be furnished to each member of the Assembly, and the Committee recommend that this distribution be in place of reading the Records.—1878, p. 22.

b. *Appeal* of the Rev. John Miller from a decision of the Synod of New Jersey. The whole proceedings of the Synod in the case are in print, certified by the Stated Clerk, and will be distributed among the members of the Assembly.

The Committee recommend that this distribution be in place of the reading of the Records, all parties having consented thereto; that the order of procedure in the argument be as laid down in the Book, the appellant having the right to close, but not to introduce new matter; and that the time allowed for argument by the parties do not exceed four hours, to be divided equally.—1878, p. 28; also pp. 32, 53.

3. Matters foreign to the issue may by consent be omitted in the reading.

a. *Resolved*, That in reading the Minutes of Lexington Presbytery, the names of the voters in calling the yeas and nays be omitted, unless called for by one or other of the parties litigant; and that the proceedings of Presbytery, in reference to other matters foreign to the issue before us, be also omitted, unless called for specially by one of the parties.—1848, p. 30, O. S.

b. The Assembly then proceeded to take up the business, according to the recommendation of the Judicial Committee. After the usual admonition, read from the Book, to the members in their judicial capacity, the Papers were read, according to the Constitutional order; and after all the Papers presented by the Committee had been read, a recess was taken for half an hour.

After the recess, George Howe moved that the whole Records of the Presbytery in relation to the case now before the Assembly be read.

This motion was carried, and the Minutes of the Presbytery of Elizabethtown were accordingly read, in everything pertaining to the case, until it was carried by appeal to Synod of New Jersey; the Moderator deciding that any subsequent Record should not be read.—1858, p. 291, O. S.

4. Documents not read may be used in pleading.

In the *Appeal* of Alexander Frazer, against the Synod of Buffalo, the course required in the Book for conducting Appeals was then pursued; and at the third stage of the proceedings, a question having arisen as to the reading of certain printed pamphlets as a part of the evidence, it was

Resolved, That in the judgment of the Assembly it is not necessary to read the pamphlets *in extenso*, but counsel can make such use of them as they see fit in the course of their argument.—1859, p. 542, O. S.

5. Reasons assigned by an appellant must be recorded. They must be couched in decent and respectful language.

Overture from certain ministers and ruling elders, requesting the Assembly to decide whether the clause in the Book of Discipline (Old), Chap. vii, Sec. iii, Subsec. viii, "and which are on record," requires that these reasons are to be spread on the books of the Minutes of the court appealed from, or whether they may be considered as on record when simply on file. And if said clause requires the reasons to be spread on the Minutes, whether the judicatory has authority to require that the reasons be couched in decent and respectful language, and contain no offensive reflections or insinuations against the judicatory, as in the case of dissent and protest.

Recommended that this Assembly decide, first, that the reasons must be spread on the Minutes; second, that the question respecting the language be answered affirmatively.—1862, p. 596, O. S.

III. HEARING THE PARTIES.

99. (2) The parties shall be heard, the appellant opening and closing.

[NOTE.—For entire Sec. 99, see p. 684.]

1. Case remanded for new trial because the original parties had not been heard.

Complaint and *Appeal* of the Presbytery of Passaic against the Synod of New Jersey [not entertained as an Appeal because not made by one of the original parties. See Discipline (Old), Chap. vii, Sec. iii, Subsec. xvii] continued as a Complaint.

Resolved, That the case be returned to the Synod for a new trial, if a new trial be required.

1. Because it appears from the Record of the Synod that the original parties in the case were never heard by them, the original parties, in the judgment of the Assembly, being Mr. William B. Guild and the Committee prosecuting for common fame.—1861, p. 344, O. S.

2. Case issued and Complaint sustained where no person appears on behalf of the respondent.

The Assembly took up the *Complaint* of the minority of the Synod of Kentucky, against a decision of the majority of said Synod, in the case of Mr. Benedict H. Hobbs.

The decision complained of, the Complaint and the proceedings of the several judicatories in the case were read. The complainants were then heard; no persons appeared on the part of the Synod.

After due consideration, the following resolution was adopted, viz.:

That the Complaint be, and it is hereby sustained, and the judgment of the Synod is reversed.—1831, p. 342.

3. Time limit for hearing.

The parties shall be heard, the appellants opening and closing the case, four and a half hours being allowed to the appellants, and seven hours to the appellee.—1893, p. 132.

4. Case of Charles A. Briggs, D.D., 1892.

George W. F. Birch, D.D., opened on behalf of the appellant, and was followed by the appellee, the Rev. Charles A. Briggs, D.D., who continued his argument until he had finished.—1892, p. 119, and p. 126.

The Rev. Joseph J. Lampe followed on behalf of the appellants. After he had concluded, Elder John J. McCook took the floor: and the appellants rested their case.—1892, p. 140.

5. Case of Charles A. Briggs, D.D., 1893.

The Assembly proceeded to hear the parties. The Rev. George W. F. Birch, D.D., chairman of the Committee of Prosecution, opened on behalf of the appellants.—1893, p. 84.

The Rev. Charles A. Briggs, D.D., was then heard in response.—1893, pp. 84, 93.

Elder John J. McCook continued his argument in behalf of the appellants until he had concluded.—1893, p. 93.

6. Case of Henry Preserved Smith, D.D., 1894.

The Rev. Henry Preserved Smith, D.D., the appellant, addressed the Assembly in his own behalf.—1894, pp. 91, 92.

The Rev. William McKibben, D.D., chairman of the Committee of Prosecution, addressed the court in behalf of the appellee.—1894, p. 92.

The appellant, the Rev. Henry P. Smith, D.D., addressed the court in his closing argument.—1894, p. 93.

[NOTE.—See also cases of Burt Estes Howard, 1896, p. 132; of J. C. Salisbury *et al.*, 1896, p. 133; of David R. Breed, D.D., 1896, p. 85; and of William R. Craig, 1896, p. 152.]

IV. HEARING MEMBERS OF THE SUPERIOR JUDICATORY.

99. (3) Opportunity shall be given to the members of the superior judicatory to be heard.

1. Limitation of time of speakers.

a. *Resolved,* 1. That after the parties in this case shall have been heard the speeches of the members of the judicatory appealed from be limited to five minutes each.

Resolved, 2. That the same time limit be applied to the speeches of the members of the appellate judicatory, and that the time allowed for the speeches of members of the Assembly be confined to the period of one hour.

Resolved, 3. That the Assembly proceed, immediately after the members of the appellate judicatory shall have been heard, to vote upon the charges and specifications now pending before us.—1892, p. 139.

[NOTE.—Case of Charles A. Briggs, D.D., *Digest,* 1930, Vol. II, pp. 305–316.]

b. The members of the superior judicatory were heard.—1892, p. 140.

2. Constitutional right to be heard cannot be destroyed, though time limit may be set. Speeches by roll call.

a. On the question as to the time to be allowed members of the Assembly, the Moderator decided that the court could not by a simple resolution destroy the Constitutional right of any commissioner to be heard upon a judicial case, but that the court could limit the time for each speaker. It was then

Resolved, That the roll of the members of the court be called, in order that "opportunity shall be given to the members of the superior judicatory to be heard." It was also

Resolved, That the time of each member be limited to three minutes. The roll was then duly called, until it was concluded.—1893, p. 139.

[NOTE.—Case of Dr. Briggs, *Digest,* 1930, Vol. II, pp. 305–316.]

b. The roll of the court was called, to give its members opportunity to express their opinions. The calling of the roll was continued . . . until the names of all the members had been called.—1894, pp. 94–96.

[NOTE.—Case of Dr. H. P. Smith, *Digest,* 1930, Vol. II, pp. 316–323.]

V. TAKING THE VOTE.

99. (4) The vote shall then be separately taken, without debate, on each specification of error alleged, the question being taken in the form: "Shall the specification of error be sustained?"

1. The final vote must be taken.

Inasmuch as the Synod of Indiana did not take an express vote on sustaining the *Appeal* of Mr. Harney, and the sentence on Record is vague and inconsistent with itself, that the whole case be remitted to the said Synod, with an injunction to them to reconsider the case, and pass a definite, precise and just sentence.—1837, p. 480.

2. It is taken separately on each charge.

The business left unfinished yesterday was resumed, viz., the trial of Mr. Bourne's *Appeal* from the decision of the Presbytery of Lexington, by which Mr. Bourne was deposed from the Gospel ministry, and the following resolution was adopted, viz.:

Resolved, That the Appeal of Mr. Bourne be dismissed, and that the decision of the Presbytery of Lexington, declaring him deposed from the Gospel ministry, be and it is hereby confirmed, on the first, second, third, fifth and sixth charges.

The vote was taken separately on each of these charges, and was declared in the affirmative.—1818, p. 682.

3. The final vote taken and the Appeal sustained.

a. The steps prescribed by the Book of Discipline (Old), Chap. ix, Sec. xcix, Subsecs. i, ii, iii, and iv, having been taken, the Assembly proceeded to vote, in accordance with Subsec. v, upon the specifications of error, when it appeared:

That Specifications 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the first ground of appeal were sustained;

That Specifications 1 and 2 of the second ground of appeal were sustained;

That Specification 1 of the third ground of appeal was sustained;

That Specifications 1 and 2 of the fourth ground of appeal were sustained;

That Specifications 1, 2, 3 and 4 of the fifth ground of appeal were sustained; and

That Specifications 1, 2, 3, 4, 5, 6 and 7 of the sixth ground of appeal were sustained.

The question was then put, "Shall the Appeal be sustained?" Upon which the yeas and nays were ordered, and the vote was, to sustain as a whole, 307; to sustain in part, 124, and not to sustain, 87, or, to sustain the appeal, 431, not to sustain, 87.—1892, pp. 140, 141.

[Note.—Case of Dr. Briggs, *Digest*, 1930, Vol. II, pp. 305–316.]

b. The vote was then taken on each specification of error alleged in the Appeal in said *Judicial Case No. 1*, the question on each being, "Shall this specification of error be sustained?"

The result of the vote was as follows:

Under the first ground of appeal, viz.: Irregularity in the proceedings of said Presbytery of New York, Specifications 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 were sustained.

Under the second ground of appeal, viz.: Receiving improper testimony, Specifications 1, 2 and 3 were sustained.

Under the third ground of appeal, viz.: Declining to receive important testimony, Specifications 1 and 2 were sustained.

Under the fourth ground of appeal, viz.: Manifestation of prejudice in the conduct of the case, Specifications 1 and 5 were not sustained. Specifications 2, 3, 4 and 6 were sustained.

Under the fifth ground of appeal, viz.: Mistake or injustice in the decision, Specifications 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were sustained.

The question was then put, "Shall the Appeal be sustained?" upon which the yeas and nays were called, and ordered to be recorded. The vote was, to sustain as a whole, 295; to sustain in part, 84; not to sustain, 116, or, to sustain the Appeal, 379; not to sustain, 116.—1893, p. 140.

[NOTE.—Case of Dr. Briggs, *Digest*, 1930, Vol. II, pp. 305–316.]

c. The court proceeded to vote upon the specifications of error alleged by the appellant, the question in each case being: "Shall the specification of error be sustained?"

The first ground of appeal was read, and the vote was taken thereon, and a division being called for, the result was announced as follows:

To sustain, 62; not to sustain, 403. So the first specification of error was not sustained.

Each of the other grounds of appeal was read, the vote upon each ground being taken separately, and the Moderator announced in each case that the specification of error was not sustained.

All the specifications of error having been voted upon and not sustained, the roll was then called upon the question, "Shall the Appeal be sustained?" and the yeas and nays were ordered to be recorded.—1894, pp. 96, 97.

[NOTE.—Case of Dr. H. P. Smith, *Digest*, 1930, Vol. II, pp. 316–323.]

VI. CASE SUBMITTED TO A JUDICIAL COMMISSION.

1. The Judicial Committee appointed such commission.

The Judicial Committee reported on *Judicial Cases Nos. 5, 6* and *7*, as follows:

Judicial Case No. 5.—The Presbyterian Church in the United States of America *vs.* Rev. Burt Estes Howard, being an Appeal from the Synod of California. The Committee find that due notice of appeal has been given, that the specifications of the errors alleged have been filed in due time, and that the Appeal should be entertained. The appellant and appellee consenting thereto, the Committee, in view of such consent already given, recommends that the case be submitted to a Judicial Commission to be appointed by this Assembly.

Judicial Case No. 6.—The Presbyterian Church in the United States of America *vs.* Ruling Elders J. C. Salisbury *et al.*, being an Appeal from the Synod of California. The Committee makes the same Report, findings and recommendations as in *Case No. 5,* wherein the appellant is the same as in this case, and the appellee is Burt Estes Howard.

Judicial Case No. 7.—The Complaint of the Rev. William P. Craig *vs.* the Synod of California. The Committee makes Report that the same is in order, and by desire and consent of parties recommends that the same be submitted, along with *Cases Nos. 5* and *6*, to the Judicial Commission to be appointed to try the said cases. The recommendations were adopted, and by formal resolution the Judicial Committee was appointed the Judicial Commission to try *Judicial Cases Nos. 5, 6* and *7.* —1896, p. 48.

2. Report of the Judicial Commission.

The Judicial Committee, sitting as a Judicial Commission, reported on *Judicial Cases Nos. 5* and *6,* submitting three questions of Constitutional law, viz., 1, 2 and 3, which were answered in the affirmative, and are as follows:—1896, p. 131.

[NOTE.—See above, Book of Discipline, Sec. 99.]

3. Findings of the Judicial Commission.

a. The Judicial Commission then submitted the findings in *Judicial Cases Nos. 5* and *6*, together with an explanatory Minute, both of which were ordered to be placed upon Record, and are as follows:

The Presbyterian Church in the U. S. A., by William R. Henderson, William P. Craig and E. Edgar Galbreath, its Prosecuting Committee, appellant, *vs.* Rev. Burt Estes Howard, appellee.

Judicial Case No. 5, on appeal from the Synod of California.

This Appeal being regularly issued and coming on to be heard on the judgment, the notice of Appeal and the specifications of errors alleged and the Record in the case from the beginning and the reading of so much of said Record as was not read, having been omitted by consent, and the parties hereto having been heard before the judicatory in argument, and opportunity having been given to the members of the judicatory appealed from to be heard, they having been heard, and opportunity having been given to the members of this judicatory to be heard, and they having been heard as provided by the Book of Discipline, and this Judicial Commission of the General Assembly sitting as a judicatory in such case on appeal, having sustained the following specifications of error, to wit: "all of said specifications save and except the first and second specification under the first ground of appeal," to wit: "irregularity in the proceedings," and all of the specifications under the second ground of appeal, to wit: "manifestations of prejudice in the conduct of the case," which were not sustained, on consideration whereof this judicatory finds said Appeal should be and is hereby sustained, and that said Synod of California, the judicatory appealed from, erred in not sustaining on the law and the evidence the charges and the judgment in this case in the Presbytery of Los Angeles, and that said final judgment of the Synod of California is erroneous, and should be and is hereby reversed, and said Synod is directed to affirm the judgment of the Presbytery of Los Angeles, and this case is remanded to the Synod of California to carry this judgment into execution, and it is further ordered that the Stated Clerk of this General Assembly transmit a certified copy of the judgment in this case to the Stated Clerk of the Synod of California to be made a part of the Record in this case.—1896, pp. 131, 132.

b. The Presbyterian Church in the U. S. A., appellant, *vs.* Ruling Elders J. C. Salisbury, J. K. Hoffman, H. G. Wylie, H. N. Avery and H. T. Gordon, constituting the Session of Westminster Presbyterian church, of Los Angeles, appellee.

Judicial Case No. 6, on appeal from the Synod of California.—1896, pp. 132, 133.

[Note.—See the findings under *Judicial Case No. 5*, above, in precisely the same words.]

c. *Explanatory Minute.*—The Judicial Commission, the judicatory in the above cases, deems it wise to submit the following explanatory Minute to be adopted as a part of the Record in each of said cases.

These cases arise out of the action of the Presbytery of Los Angeles, Cal., in dividing the First Presbyterian church of the city of that name.

In the matter of a power of a Presbytery under the Constitution of our Church to divide a congregation and the effect of such a division on the ecclesiastical body known as the congregation, as distinguished from the civil corporation known as the Board of Trustees holding legal title to the property for the use of the congregation which is the ecclesiastical body:

We hold:

The Presbytery has the sole and exclusive power to divide a congregation under and subject to the provisions of the Constitution, and its action in so dividing the congregation, the ecclesiastical body, is final unless Complaint or Appeal is duly taken to the superior judicatories.

No such Complaint or Appeal was taken from the action of the Presbytery of Los Angeles in dividing the First church of the city of that name, which included the assigning of the pastor, Rev. Burt Estes Howard, to the Westminster church and also the Session of said First church to the same church. The division of the ecclesiastical body known as the congregation of the First church did not dissolve the civil corporation holding the legal title to the property for the use of said ecclesiastical body, nor could it do that which could only be done by the civil power which created the civil corporation, pursuant to the manner prescribed by such civil power. No act of the civil corporation or civil power could or did affect the ecclesiastical body or congregation. Over it they had no power or jurisdiction, and could neither create, divide nor dissolve it. The membership of the ecclesiastical body or congregation was created by and as such is exclusively within the jurisdiction of the judicatories of the Church, under its Constitution, and all lawful orders or decrees affecting said ecclesiastical organization or congregation made by any of the said judicatories acting as such under the Constitution should be implicitly obeyed by each and every member of said ecclesiastical body or congregation and every pastor and Session, so long as the same remain in full force and effect and not reversed. Obedience to lawful authority is fundamental and essential to the maintenance and prosperity of our beloved Church. Our Constitution provides ample remedies and procedure for determining the lawfulness of all authority exercised thereunder, and until the same is set aside or reversed pursuant to the Constitution, it is in full force and effect and merits the obedience of all subject thereto. Consistent with this obedience, and without mitigating its force, but rather to make it more effective, is due consideration in the exercise of the largest charity consistent with righteousness in all cases of contumacy of conduct which involves disobedience to the orders and decrees of the various judicatories of our Church, of all the circumstances controlling all of the parties charged with the disobedience and all of the interests of the Church, local or at large, affected by the result of the case. It is to be assumed that the various judicatories of our Church, in the lawful exercise of the powers vested in them by the Constitution, whether it be in the case of a Presbytery dividing a congregation or otherwise, will not act arbitrarily, but with the fullest consideration and in the earnest purpose to secure under the guidance of the Holy Spirit the peace and purity of our beloved Church. The parties thus charged with contumacy, if found guilty by the court of original jurisdiction, have the right of review of its action by the superior judicatories under our Constitution, and until the questions have been finally adjudicated they may sincerely and conscientiously believe that their conduct is not contumacious, however mistaken they may be as to its character.

In the event that the superior judicatory finds them guilty of the offense and affirms the judgment of the lower judicatory, in order to further proceedings therein by said lower judicatory, the parties thus under its jurisdiction should in all proper cases be fully and kindly advised of the final action of the superior judicatory, its purpose and effect, and an opportunity offered the parties thus charged to reconsider their conduct in order to render obedience to the final decision in their case. All of this in order to secure and maintain the peace and purity of the Church.

In view of this we submit that in these cases the Presbytery of Los Angeles should fully and kindly advise the appellees of the action of the General Assembly in their cases, and request them to reconsider the position taken by them with reference to the action of the Presbytery and the subject matter of their cases, which position and conduct is declared by them to be the result of their sincere belief that they were serving the best interests of the church in their care, as well as the interests of the Church in the Presbytery of Los Angeles and the Synod of California, and Presbytery is further recommended that in the event that the appellees in these cases express their purpose to now recognize and obey the action of the Presbytery in their cases pursuant to the decision of the General Assembly, the sentence be removed, and that they and each of them be restored to the full exercise and enjoyment of their offices in the church, and we earnestly express the hope that these appellees will so express themselves and obey the orders of the General Assembly and the Presbytery pursuant thereto, and that in so doing the churches of the Presbytery of Los Angeles and the Synod of California will have rest, and be edified; and walking in the fear of the Lord, and the comfort of the Holy Ghost, be multiplied. (Acts 9:31.)

By order of the Judicial Commission,

F. C. MONFORT, *Chairman.*

The Stated Clerk was directed to transmit certified copies of the action of the Commission to the Synod of California.—1896, pp. 133–135.

4. Case of William P. Craig, Complainant, vs. the Synod of California.

The Commission presented the findings on *Judicial Case No. 7*, which were ordered to be placed on Record, and are as follows:

The Judicial Commission appointed by the General Assembly of the Presbyterian Church in the United States of America, to try *Judicial Case No. 7*, reports for Record its final judgment as follows:

Rev. William P. Craig, complainant, *vs.* The Synod of California, defendant—*No. 7.*

The Judicial Commission, sitting as a judicatory in the above case, find said Complaint in order, and having read the Record from the beginning, and heard the parties, and the members of the judicatory complained of, and the members of the judicatory, finds the Complaint well taken and sustains the same; and further finds in so sustaining the same, that the whole and each of the ministerial acts and functions performed by the Rev. Burt Estes Howard during the time covered by, and embraced in, the action, and up to the time when the final judgment of this judicatory, in reversing the final judgment of the Synod of California, in the case of the Presbyterian Church in the U. S. A. against the said Howard, is duly certified to and received by the Stated Clerk of the Synod of California, are valid and remain in full force and effect, and unaffected by any action of this judicatory in this case.—1896, p. 152.

[NOTE.—See above, Book of Discipline, Sec. 99.]

5. Complaint of David R. Breed et. al., vs. the Synod of Pennsylvania.

The Judicial Commission presented its Report on *Judicial Case No. 2*, as follows:

The Judicial Commission appointed by the General Assembly to try the Complaint of David R. Breed and others, members of the Synod of Pennsylvania, against the action of said Synod and the finding of its Judicial Commission in *Judicial Case No. 1*, in its session held in the Presbyterian church of Butler, Pa., October 17–21, 1895, do respectfully report as follows:

That after the opening of the Commission by prayer, and the solemn charge by the moderator, the Commission, of which a quorum was present, proceeded to consider the case. The facts briefly are as follows: On February 5, 1895, the Presbytery of Pittsburgh dissolved the pastoral relation between Rev. C. J. Forsythe and the church of West Elizabeth and appointed Rev. Dunlop Moore, moderator of Session. On February 17, 1895, the elders of said church requested Mr. Forsythe to act as moderator of a Sessional meeting, and Session called a congregational meeting for February 22 *inter alia* to elect additional elders. At this meeting, the Rev. S. J. S. Moore, not the appointed moderator, was requested to moderate the congregational meeting. Two elders were elected. Certain members of the church complained to the Presbytery of Pittsburgh with reference to this meeting, alleging certain irregularities and unjust rulings, which Complaint was sustained by the Presbytery of Pittsburgh against the action of the congregation. By its Judicial Commission twenty-five persons, members of Pittsburgh Presbytery, complained to the Synod of Pennsylvania, alleging in several specifications the irregularity of the action and the injustice of the findings and procedure. This Complaint was tried by Commission of Synod of Pennsylvania, at its meeting in Butler, October 17–21, 1895, and the first Report was recommitted to have points of law and Constitution considered. The Commission again reported, sustaining the Complaint, but not referring any questions of law to Synod for its determination. The case before Assembly's Commission is the Complaint against this action of Synod, to which reference is here made as part of this Report.

In the trial before the Commission, the Record of the action complained of, and so much of the Record of the lower judicatory as was pertinent, were read, and the parties were heard, the complainants opening and closing.

Commission referred the two points of law set forth in the Complaint to the Assembly for adjudication according to Chap. ix, Sec. 99, Book of Discipline, which points of law are as follows:

[NOTE.—See above, Book of Discipline, Sec. 99.]

The Commission having received this Assembly's adjudication of the points of law, and in accordance therewith, do find as follows:

That the Complaint is sustained, affirming the action of the Presbytery of Pittsburgh, *pro forma*, and finding the Synod of Pennsylvania in error in that the Judicial Commission of said Synod did not submit the points of law to the Synod as provided for in Chap. ix, Sec. 99, Book of Discipline. Inasmuch as the elders elected at the congregational meeting complained of have since been ordained and installed, the decisions of both Synod and Presbytery are not hereby otherwise affected and the Synod is directed to take no further action in the matter.

Only those present at all the sessions of the Commission voted in the case.—1896, pp. 90–92.

VII. DECISIONS AND THEIR EFFECT.

I. THE DECISION MAY CONFIRM THAT OF THE LOWER JUDICATORY.

99. (4) (Continued.) If no one of the specifications be sustained, and no error be found by the judicatory in the record, the judgment of the inferior judicatory shall be affirmed.

1. Decisions confirmed.

a. Form of Government, Chap. xv, Sec. i. *Appeal* of the Third Presbyterian church, Philadelphia, *vs.* the Synod of Philadelphia.—1814, pp. 559, 560.

b. Form of Government, Chap. xvii. *Appeal* of Joseph Connell *vs.* the Synod of Pittsburgh.—1868, p. 648, O. S.

c. Form of Government, Chap. x, Sec. viii. *Appeal* of S. Shepherd *vs.* the Synod of Illinois.—1863, p. 36, O. S.

d. Form of Government, Chap. x, Sec. viii. *Appeal* of members of Pine Street Church *vs.* the Presbytery of St. Louis.—1864, pp. 327, 328, O. S.

e. Book of Discipline, Chap. vii, Sec. 50. *Appeal* of Alexander Frazer *vs.* the Synod of Buffalo. Also Appeal of Alexander Gordon *vs.* the same Synod.—1859, pp. 546, 547, O. S.

f. Book of Discipline, Chap. v, Sec. v (Old). *Case* of Samuel Boyd. The decision of the Synod of Wheeling confirmed. In this case it was held that the appellant, not having objected to alleged informalities at the time of trial, "had waived all informalities in the proceedings antecedent to trial."—1866, p. 74, O. S.

g. The Commission in the case of the *Appeal* of the Rev. L. R. Lockwood from the judgment of the Synod of Iowa, affirming the judgment of the Presbytery of Dubuque, suspending the appellant from the Gospel ministry, recommend that the Appeal be not sustained, and that the judgment of the lower courts be affirmed.—1867, p. 347, O. S.

h. Form of Government, Chap. xii, Sec. v. *Appeal* of Rev. Isaac M. See *vs.* the Synod of New Jersey. Judgment of the Presbytery and Synod affirmed.—1878, pp. 102, 103.

i. Form of Government, Chap. xii, Sec. v. *Appeal* of the Rev. John Miller *vs.* the Synod of New Jersey. Action of the Synod affirmed, and his suspension from the ministry approved.—1878, p. 98.

j. Form of Government, Chap. x, Sec. viii. *Appeal* of Addison Bancroft and R. W. Stewart *vs.* the Synod of Philadelphia. The Synod sustained.—1878, p. 41.

k. Form of Government, Chap. ix, Sec. vi. *Appeal* of Walter Bradshaw *vs.* the Synod of New York. The Synod sustained.—1885, pp. 593, 594.

l. Directory for Worship, Chap. iii, Sec. ii. *Appeal* of Charles D. Drake, *vs.* the Synod of Baltimore. Judgments of the Synod of Baltimore affirmed.—1888, pp. 112, 113.

m. *Appeal* of Rev. Henry Preserved Smith, D.D. No specification of error having been sustained, and the Appeal as a whole not having been sustained, the judgment of the Synod of Ohio, in the case of the Presbyterian Church in the United States of America *vs.* Rev. H. P. Smith, D.D., has been and is affirmed.—1894, p. 106.

n. Judicial case, being the *Appeal* of J. A. Cooper against a decision of the Synod of Pennsylvania. The Committee would recommend that the Synod of Pennsylvania be sustained in refusing to entertain the Appeal of one J. A. Cooper *vs.* Presbytery of Erie, on the ground that there is no evidence to show that Synod was incorrect in its statements (see p. 30, *Minutes*, Synod Penna.).—1895, p. 85.

o. Presbyterian Church U. S. A., appellant, *vs.* Burt Estes Howard, appellee. Sustained.—1896, p. 132.

p. Presbyterian Church U. S. A., appellent *vs.* J. C. Salisbury *et al.*, appellee. Sustained.—1896, p. 133.

q. David R. Breed, complainant, *vs.* Synod of Pennsylvania, respondent. Sustained.—1896, p. 91.

r. William P. Craig, complainant, *vs.* the Synod of California, respondent. Sustained.—1896, p. 152.

s. Backus Case. Judgment, Synod of Kansas.—1899, p. 94; 1901, p. 44.

t. Bose against the Synod of India.—1899, p. 61.

u. Fleming Case. Judgment, Synod of Illinois and Presbytery of Chicago.—1902, p. 143.

v. Lane against the Synod of New York.—1899, p. 95.

w. Marlin against the Synod of Indiana.—1899, p. 61.

x. Mason against the Synod of New Jersey.—1900, p. 120.

y. Richter Case. Judgment, Synod of Minnesota.—1903, pp. 91, 92.

2. In confirming the decision the Assembly directs that if a new trial as ordered be not instituted within six months the decision shall be final.

And, therefore, the Assembly do now order and direct that the *Appeal* of the said Silas Miller be dismissed and the decision of the Synod of Illinois be confirmed; and the Assembly further order and direct that, if the Session of the church of Tuscola do not, within six months from the date hereof, refer the case to the Presbytery of Wabash for a new trial, in accordance with the decision of the Synod of Illinois, then the decision of the said Synod sustaining the Appeal shall become absolute and final, and the said Silas Miller shall be thereupon restored to all the rights and privileges which he had and enjoyed as a member of the church of Tuscola, and from which he was suspended by the judgment and sentence of said church.—1867, p. 517, N. S.

Decision confirmed because the new testimony offered "did not in any important respect change the aspect of his case."—1823, p. 90.

II. THE DECISION MAY REVERSE THAT OF THE LOWER JUDICATORY.

99. (4) (Continued.) If one or more errors be found, the judicatory shall determine, whether the judgment of the inferior judicatory shall be reversed or modified, or the case remanded for a new trial; and the judgment, accompanied by a recital of the error or errors found, shall be entered on the record. If the judicatory deem it wise, an explanatory minute may be adopted which shall be a part of the record of the case.

1. Section 99 (4) explained.

Overture from the Presbytery of Lodiana, inquiring whether, in the trial of an Appeal, a higher court, discovering one or more errors in the proceedings of the court below, is bound by Sec. 99 (4) of the Book of Discipline, to reverse or modify the judgment of the inferior judicatory or else remand the case for a new trial.

Clearly there is no such requirement, but, on the contrary, "the judicatory shall determine," in its own discretion, whether "the judgment of the inferior judicatory shall be reversed or modified," or "the case remanded," and that, for the obvious reason, that there may be enough in that part of the decision which has been sustained by the higher court, to warrant the full sentence which has been imposed.—1888, p. 109.

2. Reversed on review of testimony.

An *Appeal* was taken by Mr. John Gordon from the decision of the Synod of Pittsburgh. The Assembly having before them the evidence which had been before the Synod, and having fully heard the members of that Synod present in defense of their decision, it was, on motion,

Resolved, That the decision of the Synod in affirming the judgment of the Presbytery of Redstone be reversed.

And it, therefore, was reversed.—1807, p. 386.

3. Reversed without assigning a reason for its action.

The consideration of the *Appeal* of the Presbytery of Ohio from the decision of the Synod of Pittsburgh, in the case of Mr. Gwinn, was resumed, and the parties were heard until they said they had nothing further to add.

The decision of the Synod of Pittsburgh reversed a decision of the Presbytery of Ohio, by which decision the Presbytery had suspended the Rev. Andrew Gwinn, *sine die*, from the office of the Gospel ministry.

A motion was made and seconded that the Appeal of the Presbytery of Ohio be sustained, and the decision of the Synod in the case be reversed, which was determined in the affirmative.—1819, p. 709.

[NOTE.—See also 1821, p. 25; Book of Discipline, Sec. 99, last clause.]

4. Reversed because of disproportionate censure.

[NOTE.—See Book of Discipline, Sec. 2, p. 521.]

5. Reversal on the ground of undue severity does not determine the innocence of the accused nor relieve him from other process.

The *Appeal* of T. F. Worrall against the Synod of Illinois. The usual charge was read by the Moderator, and the Assembly proceeded with the case according to the order prescribed in the Report of the Committee, which is as follows:

The Committee report as follows: This case originated before the Session of the church of Bloomington, on charges preferred against the appellant by the Session on "general rumor."

After an examination the Session convicted him, and passed sentence excluding him from the communion of the church.

An Appeal was taken from this decision to the Presbytery of Bloomington, which refused to sustain the Appeal. An Appeal was taken from thence to the Synod, which refused also to sustain the Appeal. From this decision of the Synod of Illinois this Appeal is taken to the General Assembly. The Appeal was sustained and it was:

Resolved, As the expression of the judgment of this Assembly, That the sentence of excommunication against T. F. Worrall, by the Session of the church at Bloomington, Ill., be reversed, as being unduly severe. The Assembly, however, do not intend by this decision to restore Dr. Worrall to the communion of the church, from which he is now understood to be suspended, on other charges still under adjudication; nor do the Assembly intend to decide that he did not deserve censure for the improper language which is set forth in the charges against him.—1861, pp. 344, 346, O. S.

6. Decision of Synod reversed as in error in prescribing a form of dismission.

Complaint of Rev. N. West, D.D., *vs.* the Synod of New York.—1864, p. 328, O. S.

[Note.—See above, Book of Discipline, Sec. 51, p. 589.]

7. Reversed because of unconstitutional action of the judicatory appealed from.

a. *Whereas*, A *Complaint* has been made by the Presbytery of Saharanpur, of the Reformed Presbyterian Church, against the Board of Foreign Missions of the Presbyterian Church, for reappointing, as one of their missionaries in India, Rev. John Simms Woodside, who had been deposed from the ministry by said Presbytery:

Your Committee recommend the following action touching the matters contained in said Complaint which relate to the polity of the Presbyterian Church, viz.:

1. It appears that an agreement was entered into, years ago, by which the ministers of the so-called "Covenanter," or Reformed Presbyterian Church, became missionaries of our Foreign Board.

2. It does not appear that this agreement gave to any of the judicatories of our own Church the authority of "Review and Control" over any of the judicatories of said Reformed Presbyterian Church; but it is implied that, both by agreement and comity, the judicial decisions of the Presbyteries of said Reformed Presbyterian Church, touching the eccle-

siastical standing of their ministers, should receive the respect from our Presbyteries due to like decisions of one another.

3. The main facts of this case are, that John S. Woodside, a minister of the Reformed Presbytery of Saharanpur, was deposed by that Presbytery in February, 1880; and the gist of this Complaint is that, notwithstanding said deposition, he has since been received as a minister, in good standing, by our Presbytery of Furrukhabad, and has been appointed a missionary by our Board.

4. And *whereas*, The (O. S.) General Assembly (pp. 159 and 160, Moore's *Digest*, 1873) decided in 1862 that "a Presbytery may not restore a minister deposed by another," and the (N. S.) General Assembly (pp. 617 and 618, Moore's *Digest*), in 1858, decided "that only the Presbytery which deposed a minister has jurisdiction over him," therefore,

Resolved, That the Presbytery of Furrukhabad erred in receiving and restoring to the ministry the said John S. Woodside, while he was under sentence of deposition by the Presbytery of Saharanpur, and in accordance with the action of the General Assembly in a similar case between Presbyteries of our own Church (see Moore's *Digest*, pp. 159 and 160), this Assembly directs the Presbytery of Furrukhabad to reconsider its action, and proceed according to the requirements of the Constitution, as provided for the guidance of our Presbyteries in similar circumstances between themselves.—1883, pp. 628, 629.

b. The Judicial Commission to whom was referred *Judicial Case No. 2*, being a *Complaint* of Addison Bancroft to the General Assembly against the action of the Synod of Philadelphia in the Hermon church case, presented the following Report:

That the complainant complained of the action of the Presbytery of Philadelphia North, in dissolving Hermon church and declaring the field occupied by it a mission station under the care of the Presbytery.

The Synod of Philadelphia, at its stated meeting in Philadelphia, October 23, 1876, sustained the action of the Presbytery, and dismissed the Complaint, whereupon the complainant brought his Complaint against such action of the Synod to this General Assembly, and the case having been, by the consent of the parties, referred by the General Assembly to this Commission for hearing and decision, and the Commission having therefore proceeded in due order to examine the case and to hear the parties and members of the inferior judicatory, it is thereupon by this Commission decided that the said action and decision of the Synod of Philadelphia and of the Presbytery of Philadelphia North be and the same are hereby reversed for the following reason:

That it appears that Hermon church had no previous notice of the contemplated action of the Presbytery in dissolving the church. While the Commission regrets the necessity of reversing the decision of the Synod of Philadelphia upon a ground which may seem merely technical, we regard the precedent of dissolving a church without notice to it as too dangerous to be upheld; and we hold that without such notice and an opportunity for the church to be heard, the Presbytery had not jurisdiction of the case.—1877, pp. 543, 544.

8. Where sentence is reversed for irregularity, either party may institute a new trial. If process be not commenced within the time limited, he may demand a letter as in good standing.

The *Appeal* of Mr. Joseph E. Bell, from a decision of the Presbytery of Concord, suspending him from the office of the Gospel ministry, was taken up.

The Appeal was sustained. The following Minute was adopted:

1. *Resolved*, That in the judgment of the Assembly, Mr. Bell was and still continues to be fully amenable to the Presbytery of Concord.

2. That while the Assembly do not wish to protect the guilty, they do judge that great caution, deliberation, and, as far as may be, the rules of discipline, where ministerial character is impeached, ought to be strictly observed, and that in this case the informality was exceptionable.

3. That if it be deemed necessary for the good of religion and the honor of the ministerial character, the Presbytery of Concord are entirely competent to commence a new trial; or if Mr. Bell shall desire, for his own sake, a new trial, the door is still open.

4. That in the meantime, Mr. Bell's ministerial standing shall be considered regular, and if no process shall be commenced by either party within the space of six months from the first of June next, then Mr. Bell may claim from the Presbytery of Concord a dismission, declaring him to be in regular standing.—1828, p. 240.

[Note.—See also above, Book of Discipline, Sec. 25, 3, b, p. 574; also Sec. 69, p. 600.]

9. Reversed for haste and unconstitutional action.

The Assembly sustained the *Appeal* of Mr. Arthur, from the sentence of Presbytery, by which he was suspended from the Gospel ministry on the ground of contumacy, because the Presbytery appeared to have been precipitate, and not to have observed the Constitutional rules. See Book of Discipline (Old), Chap. iv, Secs. xix, xxi, xxxiii, lxviii.—1822, p. 53.

10. Sentence reversed and the appellant declared to be in regular standing.

The unfinished business of the forenoon was resumed, viz., the consideration of the *Appeal* of Mr. James Atwater from the decision of the Synod of Geneva, affirming a decision by which Mr. Atwater had been excommunicated by the church at Genoa.

The parties were fully heard, and the following resolution, after some discussion, was adopted, viz.:

Resolved, That the Appeal of Mr. Atwater be sustained, and it hereby is sustained; and that Mr. Atwater have liberty, as a member of the Presbyterian Church in regular standing, to connect himself with any church which may be disposed to receive him.—1821, p. 27.

11. The decision may declare the acts of the lower judicatories void.

a. *Resolved*, That the *Appeal* and *Complaint* of the Second Presbytery of Philadelphia against the Synod of Philadelphia be, and the same are, hereby sustained; and the act of said Synod, so far as it was intended to unite the said Second Presbytery with the Presbytery of Philadelphia, is hereby declared void.—1834, p. 432; 1854, p. 33, O. S.

b. In the *Appeal* of persons claiming to be the church of St. Charles, it was

Resolved, That the Assembly herein sustains the Appeal, *pro forma*, and orders the entire setting aside of all the proceedings in the whole case in all its stages, from the time that notice was first given to call a meeting of the congregation for the election of the three elders, and directs all the parties to stand precisely where they did before any step was taken in it.—1838, p. 19.

c. *Resolved*, That this Assembly understands the act of the Assembly of 1838, as sustaining the *Appeal* of Rev. Hiram Chamberlain, not upon the merits of the case, but on account of informality of the courts below, and that "in the entire setting aside of all the proceedings in the whole case, they intended not only to annul the past, but also to forbid all subsequent action contrary to the will of the regularly constituted authorities of that church, and they hereby declare any such unconstitutional action that may have been had by any person, or persons, in connection with that church, to be null and void.—1840, p. 302, O. S.

d. *Resolved*, That for the informalities and errors above mentioned, the Appeal be and is hereby sustained, and all proceedings in the case by the Session, Presbytery and Synod since the admonition before the congregation on the 25th of August, 1861, are hereby annuled and set aside. —1863, p. 36, O. S.

[Note.—See above, Book of Discipline, Sec. 80, p. 624, Appeal of James W. Hamilton *vs.* the Synod of Sandusky.]

12. The reversal annuls the acts complained of.

a. The *Appeal* and *Complaint* of Thomas Bradford and others from a decision of the Second Presbytery of Philadelphia, relative to the installation of Mr. Duffield were taken up. The Appeal, with the reasons of it, and all the documents in the case, were read. The parties were heard, and were then considered as withdrawn from the house. The roll was called to give the members an opportunity of expressing their opinion. After which, the final vote was taken, and the Appeal and Complaint were sustained.

The following resolution was then adopted as explanatory of the above decision, viz.:

That the Appeal be sustained, and the acts of the Presbytery in relation to the call and installation of Mr. Duffield be and they hereby are reversed.—1835, p. 490.

b. In regard to the *Complaint* of Mr. Dobbins against the Session of the church of Augusta for receiving members suspended by the Session of the church of Smyrna, the Assembly are of opinion that both Sessions acted unconstitutionally, the Session of Smyrna in suspending said members, and the Session of Augusta in receiving them when suspended. Therefore,

Resolved, That the Appeal on this Complaint be and it is hereby sustained; and the members in question are hereby declared to be still members in good standing in the church of Smyrna, and the Session of the church of Smyrna are hereby directed to dismiss said members, if they still desire it, that they may regularly connect themselves with the church of Augusta.—1824, p. 125.

13. The decision reversed and the case remanded.

The Presbyterian Church in the U. S. A. *vs.* Rev. Charles A. Briggs, D.D.: *Appeal* from the judgment of the Presbytery of New York, dismissing the case.

The General Assembly having, on the 28th day of May, 1892, duly sustained all the specifications of error alleged and set forth in the Appeal and specifications in this case:

It is now, May 30, 1892, ordered, that the judgment of the Presbytery of New York, entered November 4, 1891, dismissing the case of the Presbyterian Church in the United States of America against Rev. Charles A. Briggs, D.D., be, and the same is hereby, reversed. And the case is remanded to the Presbytery of New York for a new trial, with directions to the said Presbytery to proceed to pass upon and determine the sufficiency of the charges and specifications in form and legal effect, and to permit the Prosecuting Committee to amend the specifications of charges, not changing the general nature of the same, if, in the furtherance of justice, it be necessary to amend, so that the case may be brought to issue and tried on the merits thereof as speedily as may be practicable.

And it is further ordered, that the Stated Clerk of the General Assembly return the Record, and certify the proceedings had thereon, with the necessary Papers relating thereto, to the Presbytery of New York.—1892, p. 152.

a. The Bose Case.

14. Synod instructed to inquire into Constitutionality of its action.

Judicial Case No. 2. It is recommended that the Petition of J. C. Bose be referred to the Synod of India with instructions to inquire into the Constitutionality of its action in 1891 in reimposing, without process, its sentence of suspension upon the petitioner, five years after its action restoring him to the ministry, to the Record of which action exception was taken by the General Assembly of 1892 (to which action of the General Assembly the attention of the Synod is particularly called), and that the said Synod shall take such action in this case as the rights of all parties concerned and the best interests of the Church require.—1900, p. 140.

(See above, p. 648.)

15. Judgment reversed because unconstitutional. Obedience to orders of Synod by Presbytery made the case res adjudicata.

In the matter of the *Appeal* of J. C. Bose to the General Assembly of 1901 of the Presbyterian Church in the United States of America from the action and final judgment of the Synod of India pertaining to his case, rendered December 22, 1900, the Judicial Commission appointed by the aforesaid Assembly to hear and try said Appeal respectfully report the following Findings of Facts and Conclusions of Law:

Findings of Facts.—1. That it appears from the *Minutes* of the aforesaid Assembly for the year 1887, and on p. 129 thereof (to which reference is made in the aforesaid Appeal), that the Rev. J. C. Bose, of the Presbytery of Lahore, the aforesaid appellant, was tried in 1886 on the charge of lying and deceit by his Presbytery, and found guilty under each of two specifications, and was thereupon suspended from the ministry; that he appealed from the judgment of the Presbytery; that the Synod, on review of the case, sustained the finding of the Presbytery under one specification only, and required the Presbytery to administer to Mr. Bose a severe censure and restore him to the ministry. Against this decision of the Synod a protest was made and entered upon the Minutes, on the grounds:

(1) That though one of the specifications had not been established, the crime remained the same under the other specification which the Synod sustained.

(2) That the restoration, enjoined upon the Presbytery, of Mr. Bose to the ministry, without any acknowledgment of guilt or evidence of repentance, was contrary to the express requirement of the Book of Discipline.

2. That the judgment of the Synod was executed by the Presbytery of Lahore, and Mr. Bose was restored to the ministry by said Presbytery at the order of the Synod of India of 1886, and obtained a certificate from said Presbytery of being in good and regular standing.

3. That the Committee appointed by the aforesaid Assembly of the year 1887 to examine the Minutes of the Synod of India reported that "we therefore recommend that the Minutes of the Synod of India be approved with the following exception: The requiring of the Presbytery of Lahore to restore Mr. Bose to the ministry, without acknowledgment of guilt or evidence of repentance, was virtual reversal of the judgment and sentence of the Presbytery, founded, so far as the Records show, on the erroneous interpretation of Sec. 58 of the Book of Discipline, that where one only of two specifications of a charge is proved, the charge itself is not proved."

4. That the aforesaid judgment of the Synod of India was never brought up either by Appeal or Complaint.

5. That the Synod of India, without process, reimposed the sentence of suspension upon the aforesaid appellant, J. C. Bose, in 1891, five years after its action ordering the Presbytery of Lahore to restore him to the ministry.

Conclusions of Law.—As Conclusions of Law the Commission finds:

1. That the decision of the Synod of India in 1886 of the Appeal of J. C. Bose from the Presbytery of Lahore was a judicial decision, and could only be reversed by being taken up by Appeal or Complaint (see Book of Discipline, Sec. 74).

2. That when the Presbytery of Lahore, at its session in 1886, in obedience to the judgment of the Synod of India, restored J. C. Bose to the ministry and gave him a certificate of good and regular standing, the controversy became thereupon *res adjudicata*, and beyond the further control of either the Presbytery or Synod.

3. That all actions taken by the Synod of India since the year 1886, in reference to the original charge of lying and deceit preferred against J. C. Bose, are null and void.

4. That this Commission sustains the following part of *Specification of Error No. 3*, to wit: "Although the General Assembly of 1887 corrected the wrong interpretation of Sec. 58 of the Book of Discipline which the said Synod put upon it: But the General Assembly of 1887 did not direct

the Synod to reconsider nor to reverse their decision of 1886, which would have been contrary to our Constitution," and does not sustain any other part of said specification.

5. That this Commission does not sustain *Specifications of Error Nos. 1, 2, 4, 5, 6, 7, 8.*

Therefore, It is hereby adjudged that all proceedings and judgments had taken, made, and entered subsequent to 1886 by the Synod of India in relation to the original charge of lying and deceit preferred against J. C. Bose in 1886, and adjudicated by said Synod during said year, are unconstitutional and void, and therefore reversed.—1901, pp. 100–102.

Protest in the Bose Case.

A *Protest* against the decision in *Judicial Case No. 4* was presented, ordered to be put on record, and is as follows:

We, the undersigned, members of the Synod of India, and of the one hundred and thirteenth General Assembly, beg to submit our respectful protest against the decision of *Judicial Commission No. 4* in the case of J. C. Bose *vs.* the Synod of India. We protest on the following ground:

1. The Commission, in its desire to follow the letter of the law, has rendered a decision that reinstates in the Gospel ministry a man whose guilt is admitted by all the parties involved, and even by the man himself.

2. The Commission has refused to give consideration to the action of the last General Assembly, which concludes its instructions to the Synod in the following words: "And that said Synod shall take such action in this case as the rights of all parties concerned and the best interests of the Church require." We submit that these instructions made it the duty of the Commission, not so much to look into the technical legal aspects of the case, as to consider whether or not Synod had acted, as we believe it has, in accordance with these instructions. C. A. R. Janvier, F. J. Newton, and J. N. Forman.—1901, p. 170.

b. The Marsh Case.

16. Case remanded to Synod with orders to affirm the judgment of Presbytery.

The Judicial Commission appointed by the General Assembly of the Presbyterian Church of the U. S. A. to try *Judicial Case No. 2* reports for record its final judgment as follows:

Rev. George H. Marsh, appellant, *vs.* the Synod of South Dakota, appellee—*No. 2.*

This Appeal being regularly issued and coming on to be heard on the judgment, the notice of Appeal, and the specifications of error alleged, and the Record in the case from the beginning, and the reading of so much of said Record as was not read having been omitted by consent, and the parties thereto having been heard before the judicatory in argument, and opportunity having been given to the members of the judicatory appealed from to be heard, they having been heard, and opportunity having been given to the members of this judicatory to be heard, and they having been heard, as provided by the Book of Discipline, and this Judicial Commission of the General Assembly sitting as a judicatory in such case on appeal having sustained the following specifications of error, to wit, all of said specifications save and except the ninth specification of the grounds of appeal, to wit, that the Commission of the Synod did not take its vote without debate, and the tenth specification of the grounds of appeal, to wit, "that said Synod did err in 'hastening to a decision,'" which were not sustained, on consideration whereof this judicatory finds said Appeal should be and is hereby sustained, and that said Synod of South Dakota, the judicatory appealed from, erred in not sustaining on the law and the evidence the charges and the judgment in this case in the Presbytery of Black Hills, and that said final judgment of the Synod of South Dakota is erroneous, and should be and is hereby reversed, and said Synod is directed to affirm the judgment of the Presbytery of Black Hills, and this case is remanded to the Synod of South Dakota to carry this judgment into execution; and it is further ordered that the Stated Clerk of this General Assembly transmit a certified copy of the judgment in this case to the Stated Clerk of the Synod of South Dakota, to be made a part of the Record in this case.—1905, p. 163.

c. The McCullough Case.

17. Case referred to Synod with orders to try.

Judicial Case No. 11, being an *Appeal* of N. N. McCullough, from the action and decision of the Synod of Baltimore, in refusing to try and issue a case brought before the Synod upon appeal from the Presbytery of Washington City.

The Judicial Committee recommend that the case be referred to the Synod of Baltimore, with directions to try and issue the case according to the provisions of the Book of Discipline.—1899, p. 45.

d. The Warszawiak Case.

18. Judgment reversed and case remanded because the Synod had no right to instruct for retrial. Synod could not act while Appeal was pending.

The Judicial Commission on *Judicial Case No. 3* (the Warszawiak case) presented its Report, which, in accordance with the provisions of the Constitution, was entered on the *Minutes*, and is as follows:

Judicial Case No. 1. In the matter of

The Presbyterian Church of the U. S. A., represented by S. B. Brownell, appellant and complainant, Prosecuting Committee *vs.* The Synod of New York:

George Nixon, complainant, *vs.* The Synod of New York:

Hermann Warszawiak, complainant and appellant, *vs.* The Presbytery of New York:

The Judicial Commission appointed by the General Assembly to which was referred the above-stated judicial cases, all of which relate to matters growing out of the trial of Hermann Warszawiak by the Session of the Fifth Avenue Church, of New York City, and which cases were, by the action of the Judicial Committee of this General Assembly and of the General Assembly, consolidated and referred to this Commission, found the Appeals and Complaints in order, heard the parties upon the question of the jurisdiction of this body in the matter of the Appeal and Complaints against the Synod of New York, and decided as follows, viz.:

First, that, in the cases of the said Appeal and Complaints against the Synod of New York, the judgment of the said Synod reversing the judgment of the Presbytery of New York be reversed, in so far only as the said Synod instructed the Presbytery of New York to remand the case under consideration to the Session of the said Fifth Avenue Church, with instruction to retry Hermann Warszawiak upon amended charges, including the misuse of moneys contributed for missionary purposes. The ground of this judgment of the Commission is that the Synod had no Constitutional right to instruct the Presbytery to instruct the Session to retry Mr. Warszawiak upon charges relative to his moral character which were not involved in the charge which was originally made against him in the Session and upon which he was tried. Otherwise, the Commission reports that the judgment of the Synod shall stand in the cases of the said Appeal and Complaints and the Record be remanded to the Synod for the purpose of the case being proceeded with according to the methods and requirements of the Constitution.

Second, that the Appeal and Complaints of Hermann Warszawiak against the Presbytery of New York be dismissed, and the judgment of the Presbytery complained of and appealed from be sustained, on the ground that the Presbytery properly declined to carry out the instruction contained in the judgment of Synod to retry Mr. Warszawiak while the Appeal from the said judgment of the Synod to the General Assembly was pending.—1899, p. 111.

19. One Assembly has no right to interpret judgment of another Assembly. Case terminated without further trial.

Judicial Case No. 4, being the request of the Synod of New York for instructions in the Warszawiak case.

In view of the fact that this Assembly has no authority to interpret the meaning of an action of a former Assembly in this case, and recognizing the difficulty of interpreting such action if it were competent for us to do so, and in view of the further fact that this case, if remanded again to the Synod of New York for further proceedings, will require a great consumption of time and subject the judicatory that might adjudicate on the case to great inconvenience, and instead of resulting in practical good, might produce great excitement and consequences injurious to the peace and edification of an important section of the Church, this case having been pending for more than three years, and after a patient hearing by the Committee of all the parties interested in the methods of procedure, namely, the representative of the Synod of New York, the Prosecutor, representing the Presbyterian Church in the United States of America, the counsel for the accused, and the representative of the Session of the Fifth Avenue Church in the City of New York, your Committee, acting in accordance with precedent, recommend to the Assembly the adoption of the following resolution:

Resolved, That in view of the representation of the case given in the above statement by the Judicial Committee, of the voluminous nature of the testimony and of the difficulties attending the case, and believing that the interests of the Church will be best promoted by adopting the course recommended by the Committee, and being willing to assume the responsibility of acting accordingly, this General Assembly, without expressing any opinion on the merits of the case, does hereby terminate this unhappy case and all proceedings growing out of it without further judicial trial.—1900, p. 121.

[NOTE.—See for Memorial of Session, this *Digest*, p. 660.]

e. The Williamsport Case.

20. Case remanded with instructions to Synod to remit to Presbytery for reconsideration and action.

The Judicial Commission on *Judicial Case No. 5* reported its finding, which was ordered to be recorded, and is as follows:

Judicial Case No. 5. The Judicial Commission appointed by the General Assembly to whom was referred the case of the Appeal of the Session of the Church of the Covenant of Williamsport, Pa., Presbytery of Northumberland, from the action of the Synod of Pennsylvania, for sustaining certain proceedings in connection with the resignation of the Rev. James Carter, pastor of said church, beg leave to give the following Report:

The case, in accordance with the provisions of the Book of Discipline, was entertained, both parties were heard, and judgment was rendered as follows:

The Appeal from the action of the Synod of Pennsylvania by the Session of the Church of the Covenant, Presbytery of Northumberland, is sustained.

The case is remanded to the Synod of Pennsylvania, and the Synod is directed to send the case back to the Presbytery of Northumberland for reconsideration and action.—1900, p. 154.

21. Without sustaining Appeal, case remanded to Synod with instructions to Presbytery to modify its Plan of Settlement.

[See for text of Report of Judicial Commission of 1902, this *Digest*, under Form of Government, Chap. xiii, p. 385, 16.]

22. Appeal cannot be taken against obedience to instructions of the Assembly.

The Judicial Commission appointed by the General Assembly to whom was referred the *Appeal* of John E. Dayton and others from the action and judgment of the Synod of Pennsylvania, beg leave to report:

The General Assembly of 1900 gave decision in this case, which decision is now in process of being carried out in the lower courts, to which it was remanded for reconsideration and action. We therefore do not sustain the Appeal.—1901, p. 148.

23. Appeal dismissed and appellants advised to organize a separate church.

In the matter of the *Appeal* of John E. Dayton and eight others, representing themselves to be the Session of the Presbyterian Church of the Covenant of Williamsport, Pa., against the action of the Synod of Pennsylvania, October 17, 1902; we recommend that the Appeal be dismissed, for the reason that the questions presented have been heretofore adjudicated in the General Assembly, on appeal by the same parties.

Believing that the difference and difficulties of this church, which have existed for years, and have been many times in the various judicatories of the Church, are impossible of harmonization and adjustment by judicial process, we recommend that the appellants and those sympathetic with them in the troubles of this church apply to the Presbytery of Northumberland for organization as a separate church under a new name.—1903, p. 100.

24. Other cases referred, remanded, etc.

Backus against the Synod of Kansas.—1898, p. 94; 1900, p. 120.
McCullough against the Synod of Baltimore.—1898, p. 94.
Pumphrey against the Synod of Pennsylvania. Reversed.—1898, p. 133.
Bercovitz against the Synod of New Mexico.—1899, p. 127.
Ringland against the Synod of Ohio.—1898, p. 95.

III. THE DECISION MAY CONFIRM OR REVERSE IN PART.

1. Reversed in part on ground of irregularity. Sustained in part.

a. *The judicatory may not inflict a new sentence without new trial.*

Resolved, That the General Assembly, having heard and considered in detail the circumstances and merits of the *Appeal* of Newton Hawes, are of the opinion that in the proceedings of the Synod of Genesee in the case, there appears to be nothing irregular or censurable until they come to their last decision, in which they pass a new and severe censure on the appellant. In this particular, the Assembly judge that the proceedings of the Synod were not regular, inasmuch as they inflicted a new censure with a new and regular trial. Had the Synod contented themselves with approving the doings of the church of Warsaw, in declining to restore the appellant to their communion, and left him in the condition of a suspended member, they would have acted with entire regularity; but not pausing at this point, the Assembly consider them as acting on matters not regularly brought before them; and therefore resolved, that the sentence of the Synod, requiring the appellant to make a new and second confession, be reversed, and it is hereby reversed, and that the other part of their proceedings and decision be affirmed, and they are hereby affirmed. —1823, p. 79.

b. *Nor remove all censure where they find rebuke deserved.*

The Assembly having heard the *Complaint* of the Presbytery of Carlisle against the Synod of Philadelphia in the case of William S. McDowell, with the facts and arguments offered by the Presbytery and the Synod, judge that the Synod had a Constitutional right to reverse the decision of the Presbytery in the case, either in whole or in part, as to them might seem proper; but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution, inasmuch as it appears by their Records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

2. Reversed in part on the ground that irregularity of proceeding does not necessarily invalidate.

[NOTE.—See this *Digest*, under Form of Government, Chap. xiii, Sec. ii, 9, *a*, p. 379.]

3. Sustained in part, reversed in part. Minute in the case.

a. The Committee to whom was referred the judicial case originating in the Session of the Seventh Presbyterian church in Cincinnati, beg leave to report:

1. They find that said Session tried certain parties upon five several charges, and found them guilty upon the first, second and fifth, and adjudged them worthy of serious admonition on the ground of the first and fifth, and suspension upon the second.

2. The Presbytery of Cincinnati, deciding the case upon appeal, affirmed the decision of the Session.

3. The Synod of Cincinnati also acting upon it under appeal, reversed the decision of the Presbytery and Session.

4. Your Committee, after hearing all the testimony in the case, and all the parties thereto by their representatives; and after full and protracted consideration, while they find in the proceedings of the Session and Presbytery no evidence of other than a kind and conscientious desire to do justice to all the parties concerned, respectfully recommend the following as the judgment of the Assembly in the case:

Resolved, 1. That the decision of the Synod, reversing the action of the Presbytery and Session upon the first and fifth charges be itself reversed, and the Session be instructed to administer the serious admonition of which they wisely judged the parties to be worthy.

Resolved, 2. That the decision of the Synod, reversing the action of the Presbytery and Session upon the second charge, be sustained in part, on the ground that the suspension of the parties accused was too severe in the case, and that the Session be recommended to revoke the suspension and admonish the parties.—1865, p. 550, O. S.

b. The order of the day was taken up, viz., the *Appeal* and *Complaint* of Rev. John Skinner, D.D., against a decision of the Presbytery of Lexington declaring him guilty of libel and defamation, and a sentence of suspension from ministerial functions founded thereon. . . . .

The question was then taken on *Judicial Case No. 3*, viz., the Appeal and Complaint of John Skinner, D.D., against the Presbytery of Lexington, and the Complaint of Rev. Mr. Calhoun against the same Presbytery; and the result was as follows, viz.: To sustain the Appeal, 40; to sustain in part, 58; not to sustain, 66.

The Special Committee in the case of Rev. John Skinner, D.D., presented a Report, which was adopted, and is as follows, viz.:

The Appeal and Complaint of the Rev. John Skinner, D.D., against the Presbytery of Lexington, is sustained *pro forma*, the sentence of the Presbytery is revoked, and the appellant restored to all the functions of the ministry of the Gospel.

The Complaint of the Rev. William Calhoun and others against the same Presbytery is dismissed.

While the Assembly do fully restore the appellant to the functions of the ministry, and take pleasure in recording that for about seven years he exhibited talents and zeal well adapted to edify the Church of God, and while they trust that he will hereafter show the same ability and fidelity in the Master's cause, they are constrained to express their deep concern at the uncharitable temper and litigiousness exhibited by him before the inferior judicatory, and their disapprobation of his course in printing and circulating his Lexington speech, pending his Complaint to the Synod of Virginia.

Wherefore, he is hereby solemnly admonished in relation to these matters, and warned carefully to avoid them in future.

The Assembly regret, moreover, that they find no evidence that any of the parties have, at any stage of this unhappy controversy, resorted to the more private and fraternal methods of making peace among brethren, which are suggested in the Word of God. [See p. 555, 10.]

And the Assembly do now affectionately and solemnly enjoin on all concerned to cultivate a spirit of charity and forgiveness, to study the things that make for peace, and to seek by importunate prayer the influences of the Holy Spirit, that the wounds inflicted in the progress of this painful case may be healed, and the kingdom and glory of Christ may prevail in the region where these brethren are called to labor.—1848, pp. 26, 41 and 49, O. S.

[Note.—See this *Digest*, Book of Discipline, Sec. 10, p. 555.]

4. The decision censures the irregular exclusion of a member. And prescribes the steps to be taken under the old book.

Complaint of Rev. William Perkins *et al.* against the Synod of Illinois. The final vote was taken, with the following result, viz.: To sustain the Complaint, 38; to sustain in part, 43; not to sustain, 79. A Committee was appointed to bring in a Minute, which was adopted, as follows, viz.:

The Committee appointed to bring in a Minute in reference to *Judicial Case No. 1*, report, first, the facts in the case. A communicant, by the name of Ambrose Stone, in the Irish Grove church, for a long time abstained from partaking of the Communion of the Lord's Supper. He also, for a long time, ceased to worship God in his family. He repeatedly requested the Session to dissolve his connection with the Church of Christ, assigning as the only reason for this course of conduct, that he believed he had never been born again, and that he had no love to Christ. The Session did eventually comply with this request, and resolved that his connection with the Church be dissolved.

This church was under the care of Sangamon Presbytery. The Presbytery upon reviewing the Records of the Session of Irish Grove church considered this a case of excommunication, and declared the action of the Session not only unconstitutional, but also null and void, and that Mr. Stone was still a member of the Irish Grove church. The moderator and elder from that Session claimed the right to vote in this disapproval of their Records, which was refused by Presbytery. The Session then complained to the Synod of Illinois of the whole action of the Presbytery in the case. The Synod sustained and approved the action of the Presbytery.

The case was then brought before the General Assembly by the Irish Grove church Session, in the form of a Complaint against the Synod of Illinois, because it sustained the action of the Presbytery. The Assembly having fully heard the parties in the case, adopted the following resolutions, viz.:

Resolved, 1. That no church Session has authority to dissolve the connection of a communicant with the Church of Christ, except by excommunication, and that the Sessions of our Church are bound to proceed according to the directions given in our Book of Discipline, when they do excommunicate a member. The Assembly does, therefore, condemn the action of the Irish Grove Session in dissolving the connection of Mr. Stone with the Church of Christ, in the manner in which it did, as irregular and unconstitutional.

Resolved, 2. That the Presbytery of Sangamon acted correctly in not permitting the members of the Irish Grove Session to vote for approving or disapproving their own Records; that the Presbytery acted correctly in declaring the action of the Session, in Mr. Stone's case, to be irregular and unconstitutional; and that then the Presbytery, without proceeding further, ought to have required the Session to review and correct its proceedings, in this case, according to the directions given in our Book of Discipline.

Resolved, 3. That the Synod ought to have directed the Presbytery to require the Session to review and correct its proceedings, according to the directions given in our Book of Discipline.—1851, p. 33, O. S.

[NOTE.—See above, Book of Discipline, Sec. 49, "Of Cases Without Process," p. 586.]

5. The decision finds error in the judicatories below. A Presbytery may not unduly direct and control a Session. Synod may not refuse an Appeal from a party aggrieved.

This General Assembly sustains the *Appeal* and *Complaint* of Robert S. Finley and Smith Bloomfield, against the Synod of New Jersey.

In this decision, it is not intended to censure the courts below for want of zeal and faithfulness in doing according to their best judgment what the case required. Much less is it intended to reverse, in form, what has been done in the case of Mr. Finley, so as to restore him to his pastoral relation, in the Second church of Woodbridge; for this would be not only impracticable, in the circumstances, as they now exist, but inexpedient, even if it were practicable.

But the Presbytery of Elizabethtown erred in attempting too much to direct and control the action of that Session, interfering without being called to do so, according to the forms of our Constitution; in arresting the process of discipline, before it had been issued, while the Session were pursuing it in an orderly manner; and in dissolving the pastoral relation upon a mere presumption of a majority of the people desiring it, without the regular application of either party; thus making what they judged a necessity in the case, of more importance than the forms of the Constitution.

The Synod of New Jersey erred, not only in sustaining the action of the Presbytery in this case, but also in refusing to entertain as an Appeal the remedy sought by a party who was both injured and aggrieved by said action of the Presbytery.—1858, p. 300, O. S.

6. Appeal of the Presbytery of Syracuse against a decision of the Synod of New York in the Camillus case.

Judicial Case No. 3.—Appeal of the Presbytery of Syracuse against a decision of the Synod of New York.

In the matter of an Appeal of Walter Rockwood Ferris to the Synod of New York from the finding of a Judicial Commission of the Presbytery of Syracuse concerning the pastorate of H. B. Garabedian (later known as John B. Grant) at Camillus, N. Y.

STATEMENT OF FACTS.

This is an Appeal by the Presbytery of Syracuse from a judgment rendered by the Synod of New York, through its Judicial Commission, sustaining the so-called Appeal of Rev. W. R. Ferris against said Presbytery in the so-called Camillus case.

A brief history of the facts of this case will be of some assistance. The Rev. H. B. Garabedian, later known as John B. Grant, was pastor of the Presbyterian Church at Camillus, N. Y. Differences between him and his congregation had arisen, and after informal consideration at length by the Executive Commission of the Presbytery, the matter was referred to a Judicial Commission, which had been appointed by the Moderator, with power to act.

The Judicial Commission of Presbytery was duly organized, and, although in its inception it was undoubtedly intended that the matter should be judicially considered, yet it appears that no formal charge was presented to it for trial, nor was any evidence heard by it; nor was any final judgment or decision rendered by said Commission. The final result of the matter was, that what appears to have been an amicable adjustment was arrived at after consultation between the minister and the Judicial Commission, fully concurred in by the minister, and, so far as appears, entirely satisfactory to him.

An informal Report of the conclusion reached was made to Presbytery orally at its January meeting in 1916, and at the April meeting of Presbytery such result or conclusion was indicated by the following memorandum which was presented to Presbytery and placed on Record in the Minutes of the Presbytery:

"JANUARY 3, 1916.

"The Camillus Commission met in the Y. M. C. A. Bldg. at Syracuse, at 12.30 P. M. on call of chairman. Present— MacInnis, Taylor, Gere, Truair, Porter, Fulton. After discussion, the conference with Garabedian, it was unanimously resolved that we recommend to the Home Mission Committee that the present amount of aid be extended to the Camillus church, for three months more, with the understanding that the pastor is to have the privilege to accept a call at any time before that, and that his relations with the church shall terminate not later than the spring meeting of Presbytery." (*Minutes* of Presbytery, p. 223.)

Although this memorandum was thereafter referred to as a finding of the Judicial Commission, it was, in point of fact, not such a finding, and was nothing more than a Record of the conclusion arrived at, as a result of the amicable adjustment effected in the case, which was acquiesced in by all parties.

The actual result of this adjustment was, that Mr. Garabedian continued in the Camillus church until October, although the aid which had been extended by the Home Mission Committee was discontinued in April.

It next appears that an Appeal was taken by the Rev. W. R. Ferris, D.D., although not an original party in the matter, from the action of Presbytery, as evidenced by the so-called finding of its Judicial Commission, it being alleged that the action or recommendation of the Judicial Commission of Presbytery constituted a judicial decision of finding which, therefore, was mandatory in its effect in terminating the pastoral relations between the minister and the church at Camillus.

This Appeal, in due course, came up for hearing before the Judicial Commission of the Synod of New York, which, so far as the Record shows, was duly constituted for that purpose; and after hearing, its decision was rendered as follows:

"The Judicial Commission sustained the Appeal of Rev. Walter R. Ferris, D.D., against the action of the Presbytery of Syracuse in the Camillus case, and direct the Presbytery of Syracuse to expunge from its Records the finding of the Judicial Commission appearing in the *Minutes* of April 11, 1916, and found on page 223."

From this judgment of the Synod of New York the present Appeal has been taken by the Presbytery of Syracuse.

DISCUSSION.

It would seem proper to point out that the entire Record of the case shows many and grave irregularities. It appears that in its inception it was intended that this should be treated as a judicial case. As a matter of fact, however, it was not so handled, and the outcome was, as above indicated, an amicable adjustment which was acquiesced in by all parties.

Presbytery erred, in the first place, in appointing, instead of electing, its Judicial Commission to handle this case. The Commission erred in not presenting the result of its action for record upon the Minutes of Presbytery at the January meeting.

Dr. Ferris erred in treating the Report of the Judicial Commission of Presbytery as a judicial decision or judgment, from which an Appeal could be taken; and, further, not being an original party to the case, he was not entitled to prosecute an Appeal, even if a formal judgment had been rendered by the Judicial Commission of Presbytery.

Furthermore, Synod erred in receiving and considering the Appeal of Dr. Ferris, in that not being an original party in the case, he was not entitled to be an appellant. Action of Synod was irregular and defective further in rendering judgment in the case upon Appeal in that it failed to conform to the Book of Discipline, Chap. ix, Sec. 99, relating to such judgments upon Appeal.

FINDINGS OF LAW.

In disposing of the assignments of error which have been filed with the Appeal of the Presbytery of Syracuse from the judgment of the Synod of New York, the Permanent Judicial Commission of the General Assembly has given careful consideration to the various specifications of error. The first specification of error is that the judgment of the Synod is irregular, improper and fatally defective, in that it fails to state whether one or more errors were found in any judgment or decision of the Presbytery of Syracuse appealed from; whether any judgment of said Presbytery appealed from shall be reversed or modified or the case remanded for a new trial; and that it is not accompanied by a recital of the error or errors found, if any there be. This assignment has been sustained, in view of the fact that the judgment of Synod, through its Judicial Commission, was not arrived at in the orderly manner prescribed by the Book of Discipline, in Chap. ix, Sec. 99, as it appears that only the conclusion reached was set forth in the judgment of Synod, and no attempt was made to follow the intermediate steps prescribed by the Book of Discipline.

In the second assignment of error, it is alleged that the Synod proceeded irregularly in the Constitution of its Judicial Commission, and the Judicial Commission hastened to its decision without formal inquiry or due deliberation or care upon the merits of the case. This assignment of error is not sustained, in view of the fact that there appears to be nothing in the Record to substantiate the error claimed. So far as appears from the Record, the Judicial Committee of Synod was duly constituted its Judicial Commission to hear and issue this Appeal, and there appears to be no evidence of any haste, informality or lack of due deliberation in its proceedings.

In the third assignment of error, it is alleged that the judgment of the Synod is unjust, in that it orders expunged from the Record of Presbytery its only memorandum of the peaceable settlement of a serious and protracted case, involving doctrine. This assignment of error is sustained with the qualifications that the Permanent Judicial Commission finds no evidence in the Record of this case that it was a case in any way involving doctrine. It is satisfied, however, for the reasons herein set forth, that however irregular the various steps in this case may have been, there is no just ground for ordering the Presbytery of Syracuse to expunge from its Record what was not, in fact, a formal finding of the Judicial Commission of Presbytery, it being in the judgment of the Permanent Judicial Commission of the General Assembly merely a memorandum of the amicable adjustment, which was arrived at and acquiesced in by the parties, and which was in no sense a mandatory judgment of Presbytery, which in effect severed the pastoral relations existing in the church of Camillus.

In conclusion, it would seem proper to state that after a careful consideration of all the facts of this case, the Permanent Judicial Commission is of the opinion that the Presbytery of Syracuse used its utmost endeavor to effect an amicable adjustment of the differences which undoubtedly existed in the church of Camillus, so far as its relations with its pastor were concerned. It is quite clear that no attempt was made to coerce Mr. Garabedian into a severance of the pastoral relations, but, on the contrary, he was in full accord with the desire of Presbytery to adjust the differences existing and made neither formal objection nor Complaint. This is still further made clear by the fact that the amicable adjustment referred to was in fact carried out, although six months later than was contemplated at the time agreed upon. Mr. Garabedian was subsequently dismissed as a member of the Presbytery of Syracuse, in good and regular standing, and it nowhere appears in the Record of the present case that he is complaining in any way of the manner in which he was treated by the Presbytery of Syracuse. As pointed out above, the Appeal was taken by an outside third party, thus producing the many irregularities above referred to. It is manifest that the whole situation should have been handled in a somewhat different manner, but the chief conclusion which has been reached is that no injustice was done or intended to be done to Mr. Garabedian.

Since the so-called Appeal from the judgment of the Presbytery of Syracuse to the Synod of New York has no legal inception or standing under the Constitution of the Presbyterian Church, and is therefore null and void, and no action of the Synod can declare valid that which is Constitutionally invalid, and since the action of the Synod of New York, therefore, in sustaining the so-called Appeal of Dr. Ferris was likewise null and void, the Permanent Judicial Commission of the General Assembly unanimously agree upon the following finding, to wit:

That the Appeal of the Presbytery of Syracuse from the judgment of the Synod of New York be and hereby is sustained, and that the judgment of the Synod of New York be and hereby is reversed.—1917, p. 167.

IV. THE DECISION MAY REMIT THE CASE TO THE LOWER JUDICATORY.

1. It may remand the case for reconsideration.

The business left unfinished yesterday, viz., the consideration of the *Appeal* of Mr. Todd from the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Transylvania, by which decision Mr. Todd was deposed from the Gospel ministry [was taken up], and after considerable discussion of the subject of the Appeal, the following resolution was adopted, viz.:

The Assembly having heard the documents in this case, were of opinion that the way is not clear at present, for a reversal of the sentence of suspension; but as it appears to the Assembly that Mr. Todd's opinions have not been perfectly understood, and whereas, there appears to have been some irregularity as to the nature of the testimony admitted on the trial before the Presbytery; therefore,

Resolved, That the Presbytery of Transylvania be directed to reconsider the case of Mr. Todd, to afford him another opportunity of explaining himself, and if they should be satisfied, to restore him to his former standing. —1817, p. 666.

2. A Synod required to remand the case to a Presbytery for rehearing.

The Judicial Commission, to which was referred the *Complaint* of the Rev. William Bryant and others, against the action of the Synod of Iowa, in the case of A. R. Day, presented its Report, which was approved, and ordered on Record:

The Commission decide that the case presents a question of interpretation of the Constitution, and, therefore, the General Assembly has jurisdiction to hear the Appeal. The Commission adjudges that the Synod of Iowa had the right in this case to entertain the Petition of A. R. Day, for rehearing, and in its discretion to make an order for rehearing of the Appeal from the Presbytery of Waterloo. But the Commission is of the opinion, and so adjudges, that the Synod of Iowa erred in its judgment in dismissing the case, and adjudges that the Synod of Iowa should have remanded the case to the Presbytery of Waterloo for retrial. It is, therefore, the order of the General Assembly that the Appeal be sustained, and that the Synod of Iowa is hereby ordered and required to remand said case to the Presbytery of Waterloo for a rehearing upon the specifications originally filed therein.—1888, p. 132.

[NOTE.—See this *Digest*, Form of Government, Chap. xii, Sec. iv, p. 282.]

3. Complaint sustained and Synod ordered to hear and issue the case.

The Judicial Commission in the case of the *Complaint* of the Rev. Nathaniel West, D.D., against the Synod of Minnesota, reported their finding, which was received, confirmed, ordered to be entered on the *Minutes*, and is as follows:

The Judicial Commission appointed to hear the Complaint of the Rev. Nathaniel West, D.D., against the Synod of Minnesota, referred by the General Assembly of 1889 to this General Assembly, sustain so much of said Complaint as refers to the refusal of the Synod of Minnesota to hear the Complaint of Dr. West against the Presbytery of St. Paul. We judge that the reasons assigned by the Synod for that refusal are insufficient. The Synod of Minnesota is therefore directed at its next stated meeting to hear fully the Complaint of Dr. West against the Presbytery of St. Paul, upon its merits, and to issue the same according to the provisions of the Book of Discipline. The facts of the Complaint subsequent to the point just decided are necessarily involved in the full and fair hearing of Dr. West's Complaint against the Presbytery of St. Paul, as the latter Complaint covers not only the Constitutional powers of the Presbytery, but also the wisdom of their exercise under the circumstances of the case. —1890, p. 109.

4. Judgment reversed and case remanded for new trial.

[NOTE.—See case of Dr. Charles A. Briggs, *Digest*, 1930, Vol. II, pp. 305–316.]

5. Judgment reversed and case remitted on grounds stated.

On the *Complaint* of William H. Beecher and others against the Synod of Genesee, in the case of the Appeal of Dr. Frank from the decision of the Presbytery of Genesee, the General Assembly sustain the Complaint and reverse the judgment of the Synod on the following grounds, viz.:

1. That the merits of the case seem to be expressly declined by the Synod as the subject matter of adjudication.

2. That the Synod appear not to have adhered to the alternatives prescribed by the Constitution. See Book of Discipline (Old), Chap. vii, Sec. iii, Subsec. x.

3. That the Synod seem to have forgotten the nature and the limits of their appellate, as distinguished from the original jurisdiction in the case, in that they censure at their bar the appellant, in a way competent ,in any circumstances, only to the Session of the church to which the appellant was primarily amenable.

4. That they seem to have forgotten also, in restoring the appellant, that some expression of repentance ought to have been exacted, especially if their reprimand could, from any tribunal, have been deserved.

The Assembly therefore rule, that the Synod of Genesee should review their proceedings in this case, and regarding alike the rules of the Constitution and the merits of the case, that they proceed to issue the same with equity and wisdom.—1840, p. 11, N. S.

6. Referred back to the judicatory below, with instructions.

a. *Whereas,* It appears that the decision of the Synod of Missouri in the case of the *Complaint* of Franklin Knox has been recorded in resolutions which set forth, not the reasons for the decision in the case, but which are in fact, a compromise; which also admit that, at most, there is a strong presumption of guilt, but not evidence, agreeably to the Constitution, sufficient to convict; therefore,

Resolved, That the Complaint of Franklin Knox against the Synod of Missouri be referred back to the lower judicatory, and that the Synod be and hereby is instructed to reconsider said resolutions, and record their decision agreeably to the evidence and the principles of justice recognized in our Constitution.—1852, p. 173, N. S.

b. The Judicial Commission to whom was referred the *Appeal* and *Complaint* of the Second Presbyterian church of Jacksonville, Ill., and Rev. Emanuel R. Pirez *vs.* a decision of the Synod of Illinois Central, presented their Report, which was adopted, and is as follows:

Your Judicial Commission in the case of the Appeal and Complaint of the Second Presbyterian church of Jacksonville, Ill., and Rev. Emanuel R. Pirez against a decision of the Synod of Illinois Central, beg leave to report that they find the action of the Synod of Central Illinois defective in that it does not recognize the fact, which appears upon the Records of the Presbytery, that charges had been made against Rev. Mr. Pirez, affecting his moral and ministerial character, which charges had been made by persons recognized, by formal vote of the Presbytery, as accusers, and which charges were referred by the Presbytery to a Judicial Committee with instructions to report thereupon, but which charges have never been brought to an issue.

This Committee do, therefore, sustain the Complaint and Appeal of the Second Portuguese church and of Rev. Emanuel R. Pirez, so far as to direct the Synod to remand the case to the Presbytery, with instructions to try, or formally dismiss, the charges above mentioned, and, in case of his innocence, determine the question of the expediency of the continuance of the pastoral relation, in such a manner as they may judge to be just to the contending parties and for the interests of religion.—1874, p. 46.

7. The decision details the irregularities of the judicatories below.

The consideration of the Report of the Committee appointed to prepare a Minute on the subject of Mr. Craighead's *Appeal* from a decision of the Synod of Kentucky, suspending him from the Gospel ministry on certain charges of heresy, founded on a sermon preached before the Synod, was resumed, and after some discussion, the Report was adopted, and is as follows, viz.:

1. The General Assembly are of opinion that the conduct of Mr. Craighead in preaching such a sermon, and in such circumstances, before the Synod of Kentucky, especially as he had been suspected by his brethren of holding erroneous opinions, was highly reprehensible.

2. The General Assembly approve the conduct of the Synod in relation to this matter. While they were firm and zealous in maintaining what they believed to be truth, they were to an uncommon degree, respectful and affectionate in their manner of dealing with Mr. Craighead. As the sermon was delivered in their hearing, believing, as they did, that it contained dangerous error, they were bound to take notice of it and express their opinion to the preacher. . . .

6. It is not surprising that in a case so new and difficult some considerable errors in point of form should have occurred; the principal of these the General Assembly will now briefly point out.

(*a*) There was a great deficiency in the charge preferred against Mr. Craighead as it relates to precision. All charges for heresy should be as definite as possible. The article or articles of faith impugned should be specified, and the words supposed to be heretical shown to be in repugnance to these articles, whether the reference is made directly to the Scriptures as a standard of orthodoxy, or to the Confession of Faith, which our Church holds to be a summary of the doctrines of Scripture. But in none of the charges against Mr. Craighead is this done; and in two of them, third and fourth, it would be very difficult to say what articles of faith are supposed to be contravened in the errors charged on Mr. Craighead. And the last two charges appear to be so vague and indefinite as to be incapable of proof. In the fifth Mr. Craighead is charged with perverting, etc., the sentiments of the preachers and writers in our connection. Now, in our connection, there are a multitude of preachers and writers differing by many shades of opinion from each other. How then can this be a just ground of accusation? In the sixth, he is charged with the false coloring of facts, etc. But no facts are established by evidence; none are specified in the charge; and to make it a just ground of accusation, it ought to have been a designed and malicious discoloring of the facts, etc.

(*b*) In the progress of this case, the Presbytery proceeded regularly to cite the accused, once and again, and upon his not appearing, they proceeded to the trial, and having gone through the evidence, they referred the whole to the Synod to adjudicate upon it, with the expression of their own opinion, that Mr. Craighead ought to be suspended. The Synod met immediately after Presbytery, and took up the case, and in concurrence with the opinion of the Presbytery, suspended Mr. Craighead from the Gospel ministry.

(*c*) In this proceeding, the General Assembly are of opinion that there was too much haste. Mr. Craighead was not guilty of contumacy, for he wrote two letters to the Presbytery, excusing himself for non-attendance; and if he had been guilty of contumacy, he ought to have been suspended on that ground. Perhaps no man ought to be tried on charges preferred, and to be supported by evidence, who is not present, without his own consent. A trial, in the nature of things, cannot be impartial when there is but one party heard. And in this case no injury would have been sustained by delay, for the Synod might have proceeded instantly to condemn the errors of Mr. Craighead's book, as the General Assembly did in the case of *The Gospel Plan* of W. C. Davis; the process against the author, however, did not commence till some time afterward. But, however this may be, the General Assembly think that the Synod were in too much haste. It was reasonable that Mr. Craighead should have been informed of this transfer of the cause to a higher tribunal.

(*d*) There is only one other thing in the proceedings on which the General Assembly will remark, which is, that statements were given as evidence, by the members of Presbytery, which are not recorded, and which do not appear to have been given under the usual solemnity of an oath.—1824, pp. 120–122.

8. The case remitted with instructions.

a. *Resolved*, That as the proceedings in the case of Mr. Craighead have been, in many respects, irregular, and he has suffered much injury from the delay produced by these irregularities: And, whereas, also the charges are not so conclusively established as to remove all doubt, the General Assembly cannot see their way clear finally to confirm the sentence of the Synod of Kentucky, although they are of opinion, that Mr. Craighead has subjected himself, by preaching and printing this sermon, to just censure. But as Mr. Craighead has had no fair opportunity of vindicating himself or of making satisfactory explanations or retractions, therefore,

Resolved, That the whole cause be transmitted to the Presbytery of West Tennessee, in the bounds of which Mr. Craighead resides; and that they be directed to give him an early opportunity of offering that satisfaction which the Church expects, for the offense received; and that upon receiving such explanations or retractions as to them shall be satisfactory, Mr. Craighead be restored to the Gospel ministry from which he had been suspended.—1824, p. 124.

[NOTE.—Mr. Craighead was restored to the ministry by the Presbytery of West Tennessee, but died before the next Assembly.]

b. See *Complaint* of Edward Graham *et al. vs.* the Synod of the Pacific. The irregularities are detailed and the case remanded to the Synod with instructions. See Book of Discipline, Chap. v. Sec. 24, above.—1881, pp. 586, 587.

c. In the matter of the *Complaint* of Rev. Edward Graham and others, against the Synod of the Pacific, for refusing to sustain the Complaint of Frederic E. Shearer, and others, against the Presbytery of San Francisco, for its action in dropping the name of the Rev. John D. Strong from its roll, and its proceedings in regard thereto, the General Assembly of 1881 found the irregularities and deficiencies in the Records, both of the Presbytery and of the Synod, so great, and the information furnished by the Records of both bodies so meagre, that it could not come to any intelligent decision. The General Assembly therefore ordered "that the Complaint be referred to the Synod of the Pacific, with instructions to take such action in the premises as the interests of religion and the good order of the Church may seem to them to demand" (see *Minutes*, 1881, pp. 586, 587). It now appears that the Synod of the Pacific, being in session on the 11th day of October, A.D., 1881, and having before it the above-recited action of the General Assembly of 1881, adopted the following resolutions:

1. "The Presbytery of San Francisco is hereby instructed to correct its Records in the case of John D. Strong, by putting on Record a Minute giving reasons for its action in dropping the name of John D. Strong from its rolls."

2. "The Synod of the Pacific, in the case of the Complaint of Rev. Frederic E. Shearer and others against the Presbytery of San Francisco, hereby corrects the deficiency of its Records by adopting the following Minute or Record as its judgment in the case: *Resolved*, That the Synod of the Pacific do not sustain the Complaint against the action of the Presbytery of San Francisco in the case of John D. Strong, believing that the action of the Presbytery was, under the circumstances, the best course for the interests of religion and the good order of the Church."

Against this action of the Synod of the Pacific, Complaint is now made to the Assembly by Rev. Frederic E. Shearer and seventeen other members of that Synod. It appears, therefore, that the Synod of the Pacific, while declaring its intention to correct the deficiency of its Records, did not in any respect correct, but did in reality increase, the irregularities in its proceedings, by directing the Presbytery of San Francisco to correct its Records by giving reasons for its action, and thereupon immediately proceeding to assign the reasons for its own action, forgetting apparently that, as an appellate judicatory, the Synod must await the correction and completion of the Record of the Presbytery before it could correct its own. Perhaps the irregularity of this action is more evident when it is observed that the reason assigned by the Synod for not sustaining the Complaint against the Presbytery is couched in the same language used by the General Assembly of 1881 in its instructions to the Synod, and asserts that the action of the Presbytery, declared by the General Assembly of 1881 to be so defective and irregular, was the best "for the interests of religion and the good order of the Church."

It is difficult to understand how this action could be supposed to satisfy the instructions of the General Assembly of 1881; and yet the Committee would be very reluctant to infer that the Synod intended to be obedient to the letter and disobedient to the spirit of those instructions. But the good order of the Church certainly requires that the Synod should in a proper manner obey them. And it is manifest that it is no more possible for this General Assembly than it was for that of 1881 to reach an intelligent decision in the present condition of the Records.

The Committee recommend, therefore, that the Complaint be referred to the Synod of the Pacific, with instructions to refer the matter to the Presbytery of San Francisco, with instructions to that Presbytery to proceed in the case in an orderly manner.—1882, pp. 100, 101.

9. Unconstitutional acts detailed. The case remanded.

The Committee to prepare a Minute expressive of the sense of the Assembly in sustaining the *Complaint* of Rev. J. A. Smylie against the Synod of Mississippi, submitted the following, which was adopted, viz.:

1. That the decision of this Assembly in sustaining the Complaint of Rev. Mr. Smylie against the Synod of Mississippi is not to be regarded as deciding the merits of the original question—that is, the guilt or innocence of the individual in respect to whom this case originated.

2. That the Presbytery of Louisiana should have recorded the results of the interlocutory meeting referred to in the Complaint.

3. That the Synod acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the Report of the Judicial Committee on the Complaint of Rev. Mr. Smylie.

4. That the Synod should have placed on its Records the above-mentioned Report.

5. That the Presbytery of Louisiana erred in pleading the limitation of time for their non-compliance with the resolution of the Synod, referring this whole case to them for a full investigation.

6. That the case be remanded to the Presbytery of Louisiana according to the resolution of the Synod, for such action as is demanded by the Book of Discipline.

7. That the decision of the Assembly, together with the foregoing Minute, be recorded in the Minutes of the Synod of Mississippi and of the Presbytery of Louisiana.—1850, p. 481, O. S.

10. Referred back by consent of parties.

Judicial Case No. 9, reported by the Judicial Committee, viz., the Complaint of Alexander M. Cowan against the Synod of Utica, was taken up and the Complaint read, when, with the consent of Mr. Cowan and the members of the Synod present, it was

Resolved, That the subject be referred back to the Synod of Utica; and they are hereby directed to issue the case as referred to them by the Presbytery of Otsego.—1834, p. 434.

11. Discretion of a judicatory is not subject to review.

They had the right to send the case back to the Presbytery or to review the whole of it, according to their discretion. It is not for this court to decide which would have been the wiser course. The Synod judged it best to review the whole case, and their discretion is not a matter of review by this body.—1864, p. 475, N. S.

[Note.—Case of S. Edwards Todd. See above, Book of Discipline, Sec. 84, 11, 12; the misuse or abuse of discretionary power is reviewable; see Book of Discipline, Sec. 13, p. 556.]

12. Remitted on the recommendation of the Judicial Committee.

a. Also, a *Complaint* of Christian Kern and others of the First Presbyterian Church of New Orleans.

The Committee recommend that it be again referred to the Presbytery of New Orleans, with the injunction that the complainants be allowed a hearing.—1871, p. 547.

b. The Judicial Committee reported an *Appeal* of the Rev. Francis M. Dimmick from the Presbytery of Missouri River, recommending that the Papers in the case be returned to the parties presenting them, that they may be adjudicated by the Synod of Iowa South.—1872, p. 50.

c. The Judicial Committee reported a *Complaint* of the Rev. Christian Kern against the Presbytery of New Orleans. The Committee recommend that the complainant be referred to his Synod for redress.—1872, p. 84.

13. In passing judgment a judicatory may not open a case already settled.

Judicial Case No. 11 is the *Appeal* of Dr. Thomas F. Worrell against the Synod of Illinois, together with the Complaint of the Rev. Isaac A. Cornelison against the same Synod.

The Committee report that the Appeal and Complaint relate to the same matter, and they recommend that they be tried together as one cause.

The Papers are in order, and the case is ready for trial.

The Committee find, further, that the Synod, in a Minute expressing its judgment in a case then pending, to which Dr. Worrell was a party, adopted the following as a part of their judgment: "And, further, inasmuch as this trial grew out of a previous one with Dr. Worrell, in which the adjustment partook of the nature of a compromise, and certain irregularities which are not Constitutional; and as the ends of discipline were not accomplished in the case of Dr. Worrell, the Session of that church should review their proceedings in his case." This part of the Minutes is the subject matter of the Appeal and Complaint. In the judgment of the Committee, it was not competent for the Synod, when judicially determining one case, to open another case already settled and determined; this last case having been adjusted two years before, and the Record of the adjustment having already passed before Synod by way of review and control. The Committee, therefore, recommend that the Appeal of Dr. Worrell be sustained. The Complaint of Mr. Cornelison being to the same effect is determined by this judgment on the Appeal.—1863, p. 67, O. S.

14. The decision sustains the lower judicatory in part, but a person once restored can be condemned again only by new process and conviction.

The *Appeal* of the Presbytery of Onondaga, from a decision of the Synod of Geneva, relative to the restoration of the Rev. John Shepherd to the Gospel ministry, who had been deposed by the Association of Fairfield, Conn. The following resolutions were adopted, viz.:

Resolved, 1. That the decision of the Synod of Geneva relative to the restoration of the Rev. John Shepherd to the office of the Gospel ministry, so far as it censures the restoration of said Shepherd, who was deposed by a judicatory of the Church of Christ in fellowship with us, be and hereby is confirmed; because it did not appear from the Records of the Presbytery of Onondaga, that said restoration took place in consequence of any confession of the alleged crime for which the said Shepherd was deposed, or of any profession of penitence for it, or of any conference with the judicatory which deposed him.

2. That the Appeal of the Presbytery of Onondaga, so far as it relates to the rescinding of their vote to restore the Rev. John Shepherd, be and hereby is sustained on the second reason of Appeal, and upon that alone; because the Assembly judges that a minister of the Gospel, when once restored by Presbyterial authority, cannot be deprived of his office, except it be by a new process and conviction.—1818, p. 687.

15. The decision reverses all the judicatories below and restores the appellant.

The Assembly took up the *Appeal* of Dr. John Rollins from a decision of the Synod of West Tennessee, affirming a decision of the Presbytery of Mississippi, affirming a decision of the Session of the First church of New Orleans, by which he had been excluded from the privileges of the church. . . .

The final vote was taken when the Appeal was sustained, and the decision of the Synod was reversed, and Dr. Rollings was restored to the privileges of the church.—1830, p. 307.

16. The decision declares and decides the several issues involved.

The Committee appointed to express the judgment of this Assembly on the *Memorial* and *Complaint* of tne Session of the Fifth church of Philadelphia, recommended the adoption of the following resolutions, which were accordingly adopted, viz.:

1. Inasmuch as the act of the Synod of Philadelphia, uniting the Second Presbytery of Philadelphia to the Presbytery of Philadelphia, was in contravention of the act of the General Assembly passed in 1832, by which that Presbytery was erected, and inasmuch as the act of the Synod aforesaid, by an Appeal, was to be reviewed and acted on, by the next General Assembly; therefore,

Resolved, That the complainants of the Fifth church erred in changing their Presbyterial relation, and uniting with the Second Presbytery of Philadelphia Synodical.

2. While Presbyteries have the right, according to the Constitution, to visit the churches under their care, to take measures to correct any evils that may exist in them, nevertheless, as in this case, the Session presented no request, and there was no apprehension that the pulpit would not be supplied, the Assembly think the Second Presbytery erred in insisting on the right to supply the pulpit of the Fifth church under the then existing state.

3. As the majority of the Session felt themselves constrained to leave their house of worship, and were accompanied by a large number of the communicants, and as they had a show of reason for applying to the Second Presbytery Synodical, by the act of the Synod of Philadelphia forming that Presbytery, the decision of the Second Presbytery in declaring the four elders no longer elders of the Fifth church under their care, if designed to affect either their character or their standing, is hereby declared to be void.

4. In the opinion of this Assembly, the entire Fifth church is under the care of the Second Presbytery of Philadelphia, and it is hereby declared to be an integral part of it.—1834, p. 452.

17. The decision restores the status quo.

The *Appeal* and *Complaint* of Thomas Bradford, Esq., and others against a decision of the Second Presbytery of Philadelphia, dividing the Fifth Presbyterian church in Philadelphia into two churches.

The question was put, "Shall the Appeal and Complaint be sustained?" and was carried in the affirmative.

Whereupon it is ordered and decreed by this General Assembly that the act and decision of the Second Presbytery of Philadelphia, which divides the Fifth Presbyterian church of the city of Philadelphia into two distinct churches be and the same is hereby reversed; and the said Presbytery is hereby directed to restore to the Session of said church the book of Minutes of said Session.—1835, p. 478.

18. A superior judicatory may not compel an inferior to reverse its decision without assigning reasons.

a. The Report of the Committee on the Records of the Synod of Pittsburgh, as amended, was adopted as follows:

Your Committee would respectfully report that the Records have been well kept, and are in good order.

And would further report that on pp. 214 and 215 we find this Minute: "The Judicial Committee report," etc., etc. (See *Minutes.*)

The case appears to have been taken up, and the parties heard; and on p. 227 it is recorded, "The Complaints," etc., etc.; also, "A Committee," etc.; and on p. 231, "The Report of said Committee," "In not sustaining," etc. We also find, on p. 227, this Minute, "The Committee on the Records," etc.

With reference to this action, your Committee would respectfully move the adoption of the following Minute, viz.: Inasmuch as it is contrary to the spirit and principles of the Presbyterian Church, and subversive of the true design of ecclesiastical discipline, for a superior judicatory to compel an inferior court to reverse its decision, rendered after a full, fair and impartial trial, without assigning and placing on record some specific reason for such reversal, that the Records, so far as they relate to this point in this case, be disapproved.—1874, p. 86.

b. The Judicial Commission appointed in *Case No. 5*, being the Appeal of Mrs. M. J. Browning from a decision of the Synod of Geneva, presented the following Report, which was ordered on record as the judgment of the Assembly:

That the Assembly sustain the Appeal:

1. Because a superior court cannot order an inferior court to rehear a case already decided, when no intimation of additional evidence is given.
2. Because, in sending back the case the Synod passed by the Presbytery, in which the case had once been adjudicated.
3. Because reference is by a lower to a superior court, and is voluntary and not subject to the order of a higher court.—1878, p. 34.

19. The decision explains the true intent of the action complained of. Deposition by another denomination after reception to membership in Presbytery does not impair good standing.

The General Synod of the Reformed Church in America complained against the Presbytery of Philadelphia Central, for the following causes:

1. The Presbytery, on the 9th of June last, received under its care a congregation which had, until that time, been under the care of a Classis of the Reformed Church and had been known as the Third Reformed Church of Philadelphia, and united it with the Western Presbyterian Church of Philadelphia, giving the new organization the name of Immanuel Church.

2. On November 17, 1873, the Presbytery received, as a member, Rev. Charles Wadsworth, a member until then of the Classis of Philadelphia—the Classis having refused to grant him letters of dismission.

The delegate of the Reformed Church, as instructed by the General Synod, presents these facts to the consideration of the General Assembly, alleging that the action of the Presbytery "is not in accordance with the friendly spirit of the terms of the correspondence which exists between the General Assembly of the Presbyterian Church and the General Synod of the Reformed Church."

The Special Committee reported, and their Report was adopted, viz.:

Your Committee, after attentive study of the case, reach the following conclusions:

1. There is no reason to think that the Presbytery had any disposition to encroach upon the province of the Classis, or to disturb either the pastoral or ecclesiastical relations of one of its congregations.

They appear simply to have been willing to receive, in brotherly love, a congregation and a minister who wished to come to them from a sister Church, to whose judicatory no unkindness and no discourtesy was intended, and with which the Presbytery desired the most cordial fellowship.

2. The Presbytery seems to us to have erred in not directly consulting the Classis, so as to make sure that there had been no mistake as to the facts, and that the fraternal spirit in which the Presbytery desired to act might have been manifest to the Classis from the beginning.

3. While we regret this unintended lack of courtesy on the part of the Presbytery, we cannot deny the right of a congregation or of a minister to withdraw from the jurisdiction of either a Classis or Presbytery for reasons such as those alleged in this case. To forbid this would seem to us "not in accordance with the friendly spirit of the terms of the correspondence" between the two bodies, and an injurious abridgement of congregational and ministerial liberty.

4. The question of property is to be left to the civil tribunal. The Assembly exhorts the congregation to submit it frankly and unreservedly and by no means to imperil spiritual interests by protracted or strenuous litigation.

5. The Assembly cannot regard the act of the Classis, in deposing Mr. Wadsworth, after his reception to membership in the Presbytery, in the state of facts already recited, as impairing his good standing in the Church and the ministry.—1874, pp. 62, 63.

100. When the judgment directs admonition or rebuke, notice of Appeal shall suspend all further proceedings; but in other cases the judgments shall be in force until the Appeal is decided.

1. Sentence of deposition from ministry not stayed by pending appeal.

Overture 19, from the Presbytery of St. Paul, asking the following question: "May a minister of the Presbytery Church in the U. S. A., who has been deposed from the ministry of the Gospel by his Presbytery, and who has appealed from the judgment of the deposition, legally and properly exercise any or all of the functions of the Gospel ministry while the appeal is pending?" It is recommended that the reply be, he cannot. (See Section 100, Book of Discipline.)—1928, p. 70.

2. An Appeal arrests all further proceedings until it be issued.

It moreover appears that the General Assembly of the year aforesaid, having adopted the protest of the members of the Synod of Kentucky as their own act, did declare that Mr. Craighead had been deposed, whereas the decision of the Synod was suspension; and although the Synod did direct the Presbytery to which Mr. Craighead belonged to depose him, if he did not at their next stated meeting, retract his errors, this sentence could not have been Constitutionally inflicted, because Mr. Craighead appealed from the decision of Synod; the effect of which was to arrest all further proceedings in the case until the Appeal should be tried; therefore, the sentence of the Assembly declaring Mr. Craighead deposed does not accord with the sentence of the Synod, which was suspension.—1822, p. 52.

[Note.—Where the case is continued at the request of the appellant, the sentence remains in full force until the case is issued.—1858, p. 580, N. S. See Sec. 97, above, case of C. H. Baldwin, p. 679.]

3. Interpretation of Section 100.

The Judicial Commission appointed by the General Assembly to try *Judicial Case No. 7* reports for approval its judgment upon the following questions of Constitution and law:

1. According to Sec. 100 of the Book of Discipline, "When the judgment directs admonition or rebuke, notice of Appeal shall suspend all further proceedings; but in other cases" (viz., when the judgment directs suspension, deposition or excommunication, see Sec. 41) "the judgments shall be in force until the Appeal is decided," and this we interpret to mean until it is finally decided by the highest judicatory to which the case is carried.

2. After a Synod or a Commission of Synod, sitting as a court for the trial of a case, has concluded the case, and adopted its final judgment, and the same is a matter of record, it is not competent for the Synod in ordinary session and not constituted as a court, to interpret the judgment or in any way to modify it.—1896, p. 151.

4. To proceed to trial while the Appeal is pending is unconstitutional and void. The Assembly and not the inferior judicatories is the judge of the question of Constitutionality.

Appeal of John W. Chambers *vs.* the Presbytery of St. Clairsville. In this case, Mr. Chambers gave notice of Appeal and Complaint, which is duly certified by the Stated Clerk of the Synod of Ohio as having been lodged in due time. A copy of the Appeal, etc., and reasons are annexed.

In this case the Judicial Committee are not able, from the Record, or from the Papers of the appellant, to decide that the decision of the Synod was irregular in the respects specified. But it appears from the accompanying Papers that the Session of the church of St. Clairsville proceeded at once to cite the appellant to appear for trial notwithstanding the fact that he had notified them of the fact that he had taken an Appeal from the decision of the Synod, on the ground of the irregularity, *i. e.*, unconstitutionality of its action. The Assembly, not the inferior judicatories, is the judge of the question of Constitutionality. The Committee recommend that the Appeal be dismissed, and that the proceedings of the Synod be approved; but that the action of the Session of the church of St. Clairsville, in proceeding to trial, while the Appeal was pending, is unconstitutional and void.—1890, p. 130.

5. Suspension is continued until the issue of the Appeal, which must be at the next meeting of the judicatory above.

T. F. Worrell requested the Assembly to answer the following question, viz., Whether, when a person is suspended from the church by a Session, and restored by the Presbytery, the notice of Appeal by the Session continues the person under suspension; and if so, how long can such suspension be continued without the Appeal being issued?

The Committee recommend that the following answer be returned, viz.: That the notice of Appeal does continue the person under suspension until the Appeal is issued, which must be at the next meeting of the upper court.—1862, p. 597, O. S.

6. An Appeal against certain action does not debar the judicatory from acting upon the continued disturbed state of the Church.

The question of a dissolution of the pastoral relation between Dr. McPheeters and the Pine Street Church was originally brought in an orderly manner before the Presbytery, by petition from a minority of said church, and a personal tender of resignation by the pastor, and after all the Constitutional steps were taken with care and deliberation was decided by the Presbytery acting for the peace and welfare of the church.

That which was called an Appeal and Complaint to Synod from that action could not so suspend all further proceedings as to prevent the Presbytery from considering and acting upon the continued disturbed state of that congregation.—1864, p. 327, O. S.

[Note.—See this *Digest*, Form of Government, Chap. x, Sec. vii. Also Book of Discipline, Sec. 86. One third of a judicatory can suspend the operation of a Complaint in cases non-judicial. See p. 652.]

7. Where a Session is dissolved an Appeal continues the rights of the elders as to the higher judicatories until it is issued.

An *Overture* from the Presbytery of Louisville:

"When, by an act of Presbytery, a church Session is dissolved, and the elders composing said Session are ordered to cease any longer to exercise their office, does an Appeal from this action to a higher court, by said elders, secure to them the right to sit in the various judicatories of the Church until said Appeal is decided?"

Answer: The effect of an Appeal is to continue all the rights of the elders, as to representation in the higher courts, until the Appeal is finally issued by the higher judicatories.—1881, p. 587.

[Note.—Under the present Book this could be entertained as a Complaint only, in which case Sec. 86, p. 652, provides that one third of the members may stay the execution of the decision until the final issue of the case.]

101. The judicatory whose judgment is appealed from shall send up its records, and all the papers relating thereto, and filed with the record. If it fails to do this, it shall be censured; and the sentence appealed from shall be suspended, until a record is produced on which the issue can be fairly tried.

1. Records must be sent up.

a. *Judicial Case No. 1.* In the matter of the Appeal of Owen Riedy from the action of the Synod of Texas, the Judicial Committee begs leave to report as follows: That the appellant appears in person, and presents documents showing that proper notice of such Appeal was duly given to the Stated Clerk of said Synod. We find the Appeal is in form, and accompanied by specifications of error. We also find that the clerk of said Synod has failed to send up the Records of the case, though the Records of the Synod are in the possession of the Stated Clerk of the Assembly. We recommend that a Judicial Commission be appointed to try the case on its merits.—1903, p. 71.

b. Backus against the Synod of Kansas.—1898, p. 94.

c. McCullough against the Synod of Baltimore.—1898, p. 94.

2. Copies made by the appellant not sufficient. The Records or authenticated copies required.

That by the "forms of processes," etc., Mr. Bourne ought to be "allowed copies of the whole proceedings" in his case; yet "the judicatory appealed from" is, by the same rules, "to send authentic copies of the whole process;" his copy, therefore, which he says was taken by himself, but is not shown to the Assembly, is not sufficient; his affidavit is not required by the course of proceeding in this body; and the three Papers presented by him are not to be considered as the commencement of a cause, or the entry of an Appeal in this judicatory. Nevertheless, Mr. Bourne shall not suffer any inconvenience which the Assembly can prevent on the account of any failures of the inferior judicatories, if a default should in future appear on their part, the evidence of such circumstance being not as yet made clear to this Assembly.—1816, p. 627.

3. On the failure of the judicatory to send up authenticated copies of the testimony, the Appeal is sustained.

The Committee appointed to prepare a Minute on the decision of the Assembly sustaining the Appeal of Mr. Pope Bushnell from a decision of the Synod of New York, affirming the decree of the Presbytery of Hudson, by which the said Mr. Bushnell had been suspended from the privileges of the Church, made the following Report, which was adopted, viz.:

That the appellant, having given due notice that he did appeal, appeared regularly before the Assembly; and that while the Presbytery and Synod have sent up their Records in the case, neither has forwarded to this Assembly an authentic copy of the testimony taken on the trial. The Assembly did therefore decide that Mr. Bushnell's Appeal be and it hereby is sustained, so that he is restored to all his rights and privileges as a member of the Church of Christ.—1826, p. 187.

4. Where judicatories fail to send up documents the case is remanded.

It appearing from the official certificates of the Stated Clerks of all the courts below that important documents in evidence before the Session which first tried the case were not sent to the Presbytery and Synod, it is therefore

Ordered, That this case be sent back to the Presbytery of Charleston for a new trial, and that the Session of the church of Columbia be directed to correct their Record and to send to Presbytery an authentic copy of all the evidence and all the documents before them.—1843, p. 186, O. S.

5. The judicatory directed to perfect its Records and send up to the Assembly its reasons for the action complained of.

Complaint of the Rev. Dr. N. West against the Synod of Minnesota. Dr. West complains against the Synod of Minnesota for its refusal to entertain a Complaint against the Presbytery of St. Paul on certain grounds stated in his Complaint. Our Book requires that the judicatory whose judgment is appealed from shall send up its Records, and all the Papers relating thereto, and filed with the Record, and failing to do so the sentence appealed from shall be suspended until a Record is produced on which the case can be fairly tried.

In view of the fact that the Synod of Minnesota has failed to record its reasons for rejecting the Complaint of Dr. N. West, and also that the Records in the case are otherwise incomplete, your Committee recommend that the hearing of the Complaint be deferred to the next General Assembly and that in the meantime the Synod of Minnesota be directed to perfect the Records and to forward to the next General Assembly the reasons for their action in the matters complained of by Dr. West, and that the Synod shall furnish him with a copy of all new matter.—1889, p. 110.

6. Judgment suspended until a Record is supplied on which the issue may be tried.

1. The *Appeal* of Rev. John Peacock against the action of the Synod of Pennsylvania, in the matter of the Complaint of Rev. John Peacock against the action of the Presbytery of Philadelphia North. Your Committee find that the Synod of Pennsylvania considered and acted upon said Complaints, but failed to record their subject matter. This defect in the Minutes makes it impossible for the Assembly to determine whether there is any Constitutional question involved in the case, or whether the reasons assigned for the Appeal are valid. It is recommended, in accordance with Sec. 101, of the Book of Discipline, that the judgment appealed from be suspended until a Record is produced on which the issue can be fairly tried.

2. The Complaint of Rev. William P. White against the Synod of Pennsylvania relates to the same action as the Appeal of Rev. John Peacock and is obscured by the same defect in the Record. It is recommended that action be deferred. The hope is expressed that the case may be satisfactorily issued by the Synod of Pennsylvania, and that there may be no occasion for a renewal of the Appeal or the Complaint.—1889, p. 110.

7. In the absence of Papers referred to in the Records and of attested copies of the charges, the case postponed.

The Judicial Committee reported *No. 1,* the *Complaint* of James Russell against the Synod of Georgia.

It appears to the Committee that Mr. Russell has conducted his Complaint in due form, but the Synod has failed to furnish the documents needful to its prosecution. The Minutes of Synod are present, and complainant has furnished attested copies of Minutes of Presbytery and of the testimony of witnesses examined. But we have still no attested copy of the charges which had been the basis of the original trial, nor of sundry Papers referred to in the Presbytery's Records, and which had been received as testimony. The Committee recommend to the Assembly the adoption of the following resolutions in the case:

Resolved, 1. That the Synod of Georgia be directed to send up to the next Assembly authenticated copies of all their Records, and of the whole testimony relating to the matter of the Complaint, together with their reasons for not sending up the Papers to this Assembly, unless the case shall be previously adjusted.

Resolved, 2. That all the Papers received from the complainant be returned to his own custody.—1852, p. 212, O. S.

8. Case remanded with directions as to procedure and as to the Records.

Appeal of Heber Donaldson against the Synod of Erie.

The Assembly finds that there are two branches to this case: the first involving questions of jurisdiction; and the second, the merits of the case. This Assembly is not now able to determine either of these questions on account of the meagerness of the Records, and on account of certain irregularities which are alleged to have occurred in the trials below. Therefore the Assembly, reserving its judgment, both on the questions of jurisdiction and the merits of the case, hereby remands the whole case to the Session of the church at Emlenton, with the direction to table new charges with adequate specifications, and cite the accused to answer, taking care that the specifications, if confessed, or, if they are denied, the evidence, shall show a case which will justify the judgment they may render. And the Session are instructed to conduct the trial in exact accordance with the Book of Discipline, and make a clear and full Record of all their proceedings in the case.—1882, p. 107.

9. In the absence of Records the Synod censured and the case postponed.

Complaint of Smiley Shepherd *vs.* the Synod of Illinois. The Records of the Presbytery of Bloomington, necessarily involved in the case, being absent, the Committee recommend that the Synod be censured for neglecting to send up the Records, and that the case be deferred for trial until the Records appear.—1861, p. 304, O. S.

10. The case dismissed and the Papers returned.

The Commission on "a *Complaint* of Rev. James W. Wightman and others *vs.* the Synod of Pittsburgh" reported, recommending that, as all the Papers are not before the Commission, be it

Resolved, 1. That the attention of the Synod be called to the Book of Discipline (Old), Chap. vii, Sec. iii, Subsec. xvi.

Resolved, 2. That the case be dismissed and the Papers returned.—1874, p. 47.

11. Where the absence of Papers is the fault of the defendant, the case dismissed and the judgment affirmed.

Complaint of J. G. Monfort, D.D., *et al.* *vs.* the Synod of Cincinnati. It appearing from the Minutes of the Presbytery that its judgment and action were correct upon the facts stated therein, and there being no showing of any other facts in the Minute of the Synod whereon to rest its action, and the absence of the Papers (if there are any) being the fault of the Synod, your Committee recommend that the proceedings be dismissed and the judgment of the Presbytery stand affirmed.—1867, p. 331, O. S.

102. Appeals are, generally, to be taken to the judicatory immediately superior to that appealed from.

1. Appeals may be carried directly to the Assembly.

a. That inasmuch as the request of Mr. Bourne to be tried on an *Appeal* before the General Assembly rather than the Synod may be reasonable, and inasmuch as the words of our Constitution, viz., "The Assembly shall receive and issue all Appeals and references which may be regularly brought before them from the inferior judicatories," etc., have been interpreted favorably to such a request, the General Assembly do order, that a certified copy of the Records of the Lexington Presbytery in this case be duly made, and transmitted to the next Assembly, unless the Synod of Virginia, to which the Assembly can have no objection, shall have previously received the Appeal. [But that this Constitutional question, as well as the merits of the case, shall remain open for discussion at that time.]—1816, p. 626.

b. *Resolved*, That the Records of the Synod of Virginia be approved, except their censure of the Presbytery of Lexington for allowing an Appeal from their decision directly to the Assembly, without noticing the supposed irregularity of such Appeal.—1818, p. 688.

c. The Committee, on an *Overture* from the Presbytery of Baltimore, in relation to the practice of inferior judicatories in carrying Appeals and Complaints directly to the General Assembly, without first bringing them to their respective Synods, made the following Report, which was adopted, viz.: That the Constitution of our Church is so explicit that it requires no order of the Assembly in relation to the case brought to view in this Overture.—1833, p. 396.

d. The order of the day, viz., the consideration of Mr. Rowland's motion to refer to the Synod of New York, the adjudication of the *Appeal* of Louis Tappan, was taken up. The motion to refer the case to Synod was lost. The Assembly then decided to hear the case.—1839, p. 56, reprint, N. S.

e. An *Appeal* by the Rev. William W. McLane, from a decision of the Presbytery of Steubenville. The Committee report that they find the case in order. The appellant was tried by the Presbytery at the spring meetings held in Augusta and Wellsville, O., in the months of April and May, 1883, on the charge of heresy. The Presbytery sustained the charge, and suspended the appellant from the Gospel ministry. Dr. McLane appeals directly to the General Assembly, and asks that the case be taken up and issued by this Assembly. Chap. vii, Sec. iii, Subsec. vi, of the Book of Discipline (Old), is as follows: "Appeals are generally to be carried in regular gradation from an inferior judicatory to the one immediately superior."

Your Committee do not find, in the reasons given by the appellant, sufficient cause to warrant them in recommending to the Assembly a departure from the above rule of our Book of Discipline, by granting the request of the appellant; they, therefore, recommend that the Papers in the case be referred to the Synod of Ohio.—1883, p. 597.

[NOTE.—This Report was not adopted, but was referred back to the Judicial Committee, "to prepare and issue the case before the Assembly."—1883, p. 617.]

The Judicial Committee presented a Report in *Judicial Case No. 1*, reporting the case in order, and recommending the steps to be pursued in issuing it. They also presented a written request from the appellant, the Rev. William W. McLane, that he have leave to withdraw his Appeal against the action of the Presbytery of Steubenville. The request was read, and it was *Resolved*, That the appellant have leave to withdraw his Appeal.—1883, p. 629.

f. An *Appeal* of the Rev. Jared M. Chavis, a member of the Presbytery of Atlantic, from the decision of the Presbytery, upon charges brought against him for alleged immorality.

From the certified copy of the decision, sent up by the Presbytery, it appears that the charges were not investigated on the merits, but failed of trial because of the refusal of witnesses to attend and testify; and for this cause the Presbytery decided to drop the case against the Rev. J. M. Chavis as charged in the indictment. But in the recital of the charge, and the facts grounding the decision, the Presbytery insert an opinion in the following words: . . .

Your Committee are of the opinion that the Presbytery erred in incorporating such an opinion in their decision, in the absence of all testimony to justify the same.

Your Committee are of the opinion that the appellant has shown a sufficient reason for bringing this Appeal to the General Assembly, without first going to the Synod of Atlantic.

After discussion, the Assembly directed that the case be referred to the Synod of Atlantic, with instructions to take the proper action in the premises.—1884, pp. 107, 108.

g. Case of Charles A. Briggs, D.D. The minority Report was read and laid on the table. The moderator also announced that the only remaining part of the majority Report which had not been adopted was, "Third, that in the judgment of the Committee, the Appeal should be entertained, and a time set apart for the hearing of the case." This part of the majority Report was then adopted, carrying in the affirmative the question of the entertainment of the Appeal.—1892, p. 119.

The court then proceeded to vote; the question being, "Shall the Appeal be entertained?"

The vote was taken by ayes and noes, and was ordered to be recorded. The ayes were 410, the noes 145.—1893, p. 95.

[NOTE.—The Appeal in this case was directly from Presbytery to Assembly. The principle as to Appeals guiding the Assembly seems to be that where there is no sufficient reason for passing by the next superior court, the case should go there. But where good reasons for carrying it directly to the Assembly are assigned, it will be entertained.]

2. Appeals dismissed because not first brought in the lower judicatories and no sufficient reasons given.

a. The Judicial Committee made the following Report on the *Complaint* of the Presbytery of Philadelphia against the Presbytery of Columbia, relative to the licensure of Mr. Samuel Shaffer, which was adopted, viz.: That it is a desirable thing to prevent the unnecessary accumulation of business before the General Assembly; that no good reason appears why the Synod of Albany, who must be entirely competent to issue the Complaint, should be passed by, and that, therefore, in their judgment, the matter ought to go before that body.—1828, p. 237.

b. The Judicial Committee made a Report in relation to the *Appeal* of Mr. Matthew H. Rice, from a decision of the Presbytery of East Hanover, which was adopted, and is as follows, viz.:

That the appellant had leave to withdraw his Appeal on the following ground, viz., no reasons are assigned by the appellant for making this Appeal to the General Assembly instead of the Synod.—1830, p. 298.

c. The Judicial Committee reported two *Appeals* of Samuel Lowrey; the first from a special decision of the Session of the Second Presbyterian church of Cincinnati; the second from a decision of the Presbytery of Miami. These Appeals were dismissed because the appellant had not prosecuted his Appeals before the inferior judicatories.—1822, p. 36; 1833, p. 409; 1834, p. 432; 1826, p. 187; 1859, p. 516, O. S.; 1860, p. 46, O. S.

d. *Case* of Rev. W. M. White *vs.* the Presbytery of Washington. From the Papers before the Committee it appears that Mr. White was suspended from the ministry, and excluded from the communion of the Church by the Presbytery of Washington at its sessions in November, 1870; that since that time he has resided within the bounds of the Presbytery of Pittsburgh, and that he made application to the Presbytery of Washington, at its sessions in April, 1873, for a dismission, with a certificate of his standing, to the Presbytery of Pittsburgh. This request the Presbytery of Washington declined to grant; and, respecting their decision, have come into the hands of your Committee, 1. A Complaint of Rev. W. M. White; 2. A Complaint of Revs. David McKinney and Richard Lea, resident in Pittsburgh; 3. A Petition, signed by ministers and church members, living in and near the city of Pittsburgh, praying that the decision of the Presbytery of Washington may be reversed, together with the answers of said Presbytery to these Complaints.

The Complaints have not been before the Synod, with which these Presbyteries are connected, for the alleged reason that there has been no meeting of the Synod since the action of Presbytery, and the complainants prefer not to wait until the session of the Synod in the autumn. Your Committee, however, do not see sufficient cause in this case for departure from the rule of our Book of Discipline (Old), Chap, vii, Sec. iii, viz.: "Appeals are generally to be carried in regular gradation from an inferior judicatory to the one immediately superior"—and therefore recommend that all the Papers in the case be referred to the Synod of Pittsburgh.—1873, p. 508.

e. *Complaint* of Nathaniel West against the Presbytery of Cincinnati. The Committee recommend: That as no sufficient reasons for direct Complaint to the General Assembly have been presented, the Complaint be referred to the Synod of Cincinnati.—1877, p. 576.

f. In the case of the *Complaints* of (1) Nathaniel West and Thomas H. Skinner against the Presbytery of Cincinnati, for an alleged decision against the said West; (2) the same, against the same, for adopting a resolution of its Judicial Committee; (3) E. D. Ledyard and others against the same for the same proceeding; and (4) Thomas H. Skinner and others against the same for not sustaining the charges against the Rev. W. C. McCune—the Committee recommend that, as the reasons for direct Complaint to the General Assembly as presented to the Committee, and in their hands, are deemed insufficient; and as the Constitutional jurisdiction and rights of the Synod over its lower courts are to be sacredly respected; therefore, these several Complaints be referred to the Synod of Cincinnati.—1877, pp. 575, 576.

g. A *Complaint* by Nathaniel West, Thomas H. Skinner, J. P. E. Kumler and L. H. Long, of certain action taken by the Presbytery of Cincinnati, at their meetings, December 7 and 23, 1878.

Also, a Complaint by Nathaniel West, of action taken by the Presbytery of Cincinnati, at their meetings, April 9 and 10, 1879.

In respect to these two Complaints, the Committee recommended that, as the reasons presented by one of the complainants for himself and the others, for direct Complaints to the Assembly, are deemed insufficient, and as the Constitutional jurisdiction of the Synod over its lower judicatories is to be carefully guarded and sacredly respected; therefore, these Complaints be referred to the Synod of Cincinnati, to which they should have been taken, according to the provisions of the Book of Discipline (Old), Chap. vii, Sec. iii, Subsec. vi.

The Rev. Nathaniel West, D.D., presented a Paper setting forth the reasons of the complainants for making direct Complaint from the Presbytery of Cincinnati to this Assembly, which was read.

After which the Report of the Judicial Committee was adopted.—1879, p. 631.

3. Where there is no common relation a Complaint is allowed.

Judicial Case No. 3, being a *Complaint* of the Third Presbytery of Philadelphia against the Presbytery of Luzerne, for an alleged invasion of Presbyterial jurisdiction. The case is brought before the Assembly, because of these Presbyteries having had no common Synodical relations.

The Committee propose that the new Synod take up the case, and that the Presbytery of Luzerne cease all action until the Synod decides.—1870, p. 27.

[Note.—See below, Book of Discipline, Secs. 139–141, "Of Differences Between Judicatories."]

CHAPTER X.

OF DISSENTS AND PROTESTS.

103. A dissent is a declaration of one or more members of a minority in a judicatory, expressing diagreement with a decision of the majority in a particular case.

1. Dissent entered without reply. Dissent with reasons is a virtual protest.

Had the dissent been offered without reasons, and simply as a Record of the vote of the dissenters, it would have been entirely proper to enter it on the *Minutes* of the Assembly without reply. It would then have been in the nature only of a Record in part of ayes and nays. But, as it is accompanied with reasons, it is virtually a protest.—1872, p. 85.

104. A protest is a more formal declaration, made by one or more members of a minority, bearing testimony against what is deemed a mischievous or erroneous proceeding, decision, or judgment, and including a statement of the reasons therefor. (See below, p. 740, 6.)

1. The right to protest for the relief of conscience.

That any member or members, for the exoneration of his or their conscience before God, have a right to protest against any act or procedure of our highest judicature, because there is no further Appeal to another for redress; and to require that such protestation be recorded in their *Minutes*. And as such a protest is a solemn Appeal from the bar of said judicature, no member is liable to prosecution on account of his protesting. Provided always, that it shall be deemed irregular and unlawful to enter a protestation against any member or members, or to protest facts or accusations instead of proving them, unless a fair trial be refused, even by the highest judicature. And it is agreed that protestations are only to be entered against the public acts, judgments or determinations of the judicature with which the protestor's conscience is offended.—1758, p. 286.

2. The dissent or protest must be entered before the rising of the Assembly.

Any member who may think himself aggrieved by a decision of the General Assembly, shall have his dissent, or protest, with his reasons, entered on the Records of the Assembly, or filed among their Papers, if given in before the rising of the Assembly.—1822, p. 44.

3. A protest arguing the case is refused.

Dr. Martin presented and read a *Protest* against the decision made in his judicial case, when, on motion of the Rev. D. J. Waller, it was

Resolved, That Dr. Martin's Protest is only such in name, while it is in reality an argument of the case which the Assembly has refused to hear, as not regularly before it, and that he therefore have leave to withdraw the same.—1865, p. 592, O. S.

4. The protest must confine itself to the reasons on which it is founded.

The appropriate business of the protestants was simply to give the reasons on which their protest was founded, not to answer the arguments of individuals in debate, for which the Assembly is not responsible.—1844, p. 382, O. S.

5. A protest calls attention to the action protested against.

The Records of the Synod of New Mexico were approved with the following exceptions: . . .

On p. 20 it is noted that the Synod took no action on the *Protest* presented by Revs. J. J. Gilchrist and T. M. Marshall against the action of the Presbytery of Arizona, with reference to the appointment of a Committee outside of its bounds to organize a church.—1892, p. 200.

6. Protest against decision of General Assembly.

Judicial Case No. 5.—Protest of the Synod of Missouri against a decision of the General Assembly of 1916.

The Permanent Judicial Commission of the General Assembly of the Presbyterian Church in the U. S. A., having had referred to it a written statement from the Synod of Missouri, called a Protest against the decision of the General Assembly of 1916, taking exception to the Records of said Synod, which Records showed approval of the appointment of trustees of the Anti-saloon League, do respectfully report:

That said so-called Protest is not entertained for the reason that the same is in fact an attempt to obtain a review of the action of a former General Assembly and a reversal of former rulings pertaining to the handling of non-ecclesiastical matters. A protest as defined by Chap. x, Sec. 104, of the Book of Discipline, is:

"A more formal declaration, made by one or more members of a minority, bearing testimony against what is deemed a mischievous or erroneous proceeding, decision or judgment, and including a statement of the reasons therefor."

A protest in order to be legal must be made by a member of a minority of the same judicatory whose action is protested against, and cannot be made by an inferior judicatory against a superior; and no one should be allowed to protest on any question who did not vote against the decision when rendered and who has not a right to vote on the question decided.

In view of the foregoing provisions of the law of the Church and of these facts, your Permanent Judicial Commission is of the opinion that no action can legally be taken on the Paper in question, and recommends that it be not entertained.—1917, p. 191. (See below, Sec. 107.)

105. If a Dissent or Protest be couched in decorous and respectful language, and be without offensive reflections or insinuations against the majority, it shall be entered on the records.

1. Protests admitted to Record without answer.

a. Dr. Stuart Robinson read a *Protest* signed by himself and others, against the adoption of the Paper of Dr. R. J. Breckinridge on the state of the Church.

This Protest was, on motion, admitted to Record without answer.

Another *Protest*, signed by Rev. A. P. Forman and others, was likewise admitted to Record without answer.—1862, p. 636, O. S.

b. The following *Protest* was presented and ordered to be entered on the *Minutes* of the Assembly without answer.

We, the undersigned, ministers and elders, commissioners of the One Hundred and Fourth General Assembly, do hereby enter and record our protest against the action of the General Assembly in entertaining the Appeal in the case of "The Presbyterian Church in the United States of

America against the Rev. Charles A. Briggs, D.D.," and so giving to the Committee which preferred the charges against Dr. Briggs standing before the Assembly and right of appeal as an "original party," beyond the control of the Presbytery and its power to discharge them when dismissing the case.

We protest against this as being, we believe, contrary to the scope and intention of our Book of Discipline, and as involving interpretations of the Constitution of the Church which might prove subversive of the rights of ministers, elders, deacons and individual members throughout the Church.

Signed by thirty-six ministers and eighteen ruling elders.—1892, p. 205.

c. The Rev. E. P. Sprague, D.D., for himself and others, presented the following Protest, which was received, ordered to be recorded, and is as follows:

We, the undersigned ministers and elders in the Presbyterian Church in the United States of America, declaring our hearty belief in and love for the Holy Scriptures of the Old and New Testaments, and our entire loyalty to the principles of the Presbyterian Church, desire respectfully to record our solemn protest against the verdict and judgment of suspension, and the proceedings leading to the verdict, in the case against the Rev. Charles A Briggs, D.D., in the General Assembly of 1893:

1. As involving, in our judgment, acts of doubtful Constitutionality.

2. As seeming to abridge the liberty of opinion hitherto enjoyed under our Standards by office bearers in the Church.

3. As tending, we believe, to the discouragement of thorough study of the Bible and reverent advance in apprehension of divine truth; and,

4. As inflicting what we cannot but feel is an injustice to a Christian scholar of acknowledged high character and learning as well as to the Presbytery of New York, which had fully acquitted him of the charges alleged against him.

Edward P. Sprague and sixty-one others.—1893, pp. 172, 173.

It was *Resolved*, That the Protest just presented needs no answer by the General Assembly.—1893, p. 173.

d. The following *Protest* was received and ordered to be recorded without answer:

The undersigned respectfully protest against the action of this One Hundred and Fifth General Assembly of the Presbyterian Church in the United States of America, determined in the morning session of May 29, with regard to the exclusion of the Chinese from this land, and against the action of this Assembly, determined on May 30, with regard to Decoration Day, on the following grounds and for the following reasons:

1. Because said actions are contrary to Chap. xxxi, Sec. iv, of the Confession of Faith, which provides that "Synods and Councils are to handle or conclude nothing but that which is ecclesiastical, and are not to intermeddle with civil affairs which concern the commonwealth."

2. Because such actions are opposed to the deliverance of this General Assembly in 1874, wherein it was declared that our church courts are to consult, vote and determine only according to the principles and Constitution of this Church and the Word of God, and that, therefore, no subject of a secular character will be entertained, and no subject with

moral bearings and results will be carried beyond the plain and unquestioned testimony and direction of the sacred Scriptures.

Selden P. Spencer, James H. Brooks.—1893, p. 212.

e. Rev. John Fox, D.D., on behalf of himself and others, presented a *Protest* against certain action of the Assembly, as recorded in the Report of the Committee upon Temperance. The protest was received and admitted to Record, and is as follows:

The undersigned respectfully protest against so much of the action of the General Assembly on temperance as declares, "That no political party has the right to expect the support of Christian men so long as that party stands committed to the license party, or refuses to put itself on record against the saloon." We deem this action an unwise interference with a political question, and believe that it cannot fail to be regarded by many of our people as hindering their free and conscientious discharge of their duties as voters.

John Fox and forty-five others.—1894, p. 178.

2. Protest refused Record as being disrespectful.

A *Protest* was received from Dr. Boardman and others against the action of the Assembly in the matter of the Louisville Presbytery. After discussion, on motion, it was

Resolved, That it be the sense of this General Assembly that the protest of Dr. Boardman and others is not respectful in language, and that it be returned to the author.—1866, p. 104, O. S.

3. A protest should be recorded only by order of the judicatory.

Exception to the Records of the Synod of Albany. A Protest on pp. 323, 324, which was handed to the Stated Clerk, and by him recorded, when it does not appear that he was directed by Synod to make such insertion.—1828, p. 242.

4. Protest received and put on Record.

a. In the case of the *Complaint* of Nathaniel West, against the Presbytery of Cincinnati, in the case of West *vs.* the Rev. B. P. Aydelotte, the Committee recommend that, as no sufficient reasons for direct Complaint to the General Assembly have been presented, the Complaint be referred to the Synod of Cincinnati.

The following *Protest* against this action was presented, and ordered on record:

[Note.—See for this protest, *Minutes*, 1877, pp. 576–580.]

The Committee appointed to answer this Protest reported: "That in their judgment no answer is required."—1877, p. 580.

b. A *Protest* was received from Rev. Josiah B. Bittinger, D.D., Rev. Henry W. Ballantine and Rev. George L. Kalb, D.D., against the action of the Assembly in the adoption of the Report of the Committee on Bills and Overtures, in the case of the Sewickley church against the Synod of Erie, and ordered to be put on the Records of the Assembly.

[Note.—See *Minutes*, 1877, pp. 582, 583.]

c. A *Protest* was presented by Rev. Royal G. Wilder against the action of the Assembly in adopting the Report of the Special Committee on his Paper relating to the Board of Foreign Missions, and ordered on the Records.—1877, p. 583.

d. The Rev. John G. Hall, D.D., in behalf of himself and others, offered a *Protest* against the action of the Assembly in reference to the Report of a minority of the Committee on Publication, which was received and ordered to be put on record.—1884, p. 110.

5. Protest, if in order, must be recorded and filed with the clerk. A printed copy duly signed is valid.

Paper No. 66, being a Memorial from certain members of the Presbytery of Westchester, concerning the recording of a protest. It is asked:

Question 1.—"When a protest conforms to the conditions of the Book of Discipline, Sec. 105, may a Presbytery rightfully refuse to order it entered upon the Records?" It is recommended that this inquiry be answered in the negative.

Question 2.—"Is a protest to be considered as having been presented to the body when read by the protestant, before it has been placed in the hands of the clerk?" It is recommended that it be answered in the negative.

Question 3.—"When a protestant reads his protest to a Presbytery and the moderator thereupon declares to him, without objection, that his protest is received, is a vote of the Presbytery necessary to authorize the recording of the protest?" It is recommended that the answer be given, On account of the ambiguity of the language, no definite reply can be made.

[Note.—See p. 742, 3.]

Question 4.—"Does a protestant forfeit his right to have his protest recorded, if he furnish to the clerk, in place of the original manuscript read by him to the body, a printed copy of the same, duly signed by him, provided he inform the clerk in good faith of his intention to do so, and the latter make no objection?" It is recommended that this question be answered in the affirmative.—1897, p. 130.

6. Protest against "separate" Presbyteries.

Elder Rufus S. Simmons, on behalf of himself and five others, presented the following *Protest:*

The undersigned, ministers and ruling elders, hereby record our deliberate and solemn protest against the action taken by the General Assembly in adopting the recommendation in the Report of the Special Committee on the Territorial Limits of Presbyteries relating to the amendment of Chap. x, Sec. ii, of the Form of Government, providing for the organization of separate Presbyteries for persons speaking other than the English language or those of a particular race; for the following among other reasons: because contrary to the spirit of our Church, to the Word of God, and, as we believe, will be grievous to the great Head of the Church. —1904, p. 158.

7. Protest against union with the Cumberland Presbyterian Church.

Rev. John Fox, D.D., on behalf of himself and six others, presented the following *Protest:*

We, the undersigned, ministers and ruling elders, hereby respectfully record our deliberate and solemn protest against the action taken by the General Assembly in adopting the Report of the Committee on Union and Reunion, so far as it relates to union with the Cumberland Presbyterian Church; for the following reasons *inter alia:*

First, and chiefly, because the Plan of Union in its first Concurrent Declaration involves an interpretation of the doctrinal Standards of the Church. We feel that the Constitutional right of the Assembly to make this interpretation is open to grave question.

Apart from this the Declaration affirms an agreement existing between the systems of doctrine contained respectively in our own Confession of Faith and that of the Cumberland Presbyterian Church sufficient to warrant union between the two churches; whereas, in fact, the two systems of doctrine are antagonistic to each other, especially as to the doctrine of the divine decrees. A union founded on such a mistake is not likely to be permanently satisfactory.

Second, We protest because grave practical difficulties, affecting the well-being of the church and the orderly administration of its affairs and menacing many sacred and precious interests, have not received from either the Committee or the Assembly such a degree of careful consideration as is demanded by their exceeding importance.—1904, p. 157.

8. Answer to the protest on union.

The Committee appointed to prepare an answer to the Protest of the Rev. John Fox, D.D., and others, against the adoption of the Plan of Union, presented the following, which was adopted:

Your Committee appointed to prepare a brief answer to the protest offered by certain members of this Assembly against its action in adopting the Report of the Committee on Union and Reunion, in so far as it relates to union with the Cumberland Presbyterian Church, would respectfully submit the following answer:

1. The protest is made, "first and chiefly, because the plan of union in its first concurrent declaration involves an interpretation of the doctrinal Standards of the Church." The protestants "feel that the Constitutional right of the Assembly to make this interpretation is open to grave question." Your Committee would answer that this protest asserts in effect that the supreme court of the Church is not competent to interpret its doctrinal Standards. This mere statement is of itself sufficient answer to the protestants. It is not only the right, but the duty of the General Assembly.

2. The protestants assert that "the two systems of doctrine" contained respectively in the Confessions of Faith of the Cumberland Presbyterian Church and our own Church are antagonistic to each other, especially in the instance of the "doctrine of divine decrees." This is simply a difference of opinion. The deliberations of the Assembly involved the judgment of the Commissioners as to this very matter. The overwhelming vote of

the Assembly in adopting the Report of the Committee indicated that the Assembly as a body does not agree with the protestants.

3. The protestants assert that "grave practical difficulties affecting the well being of the Church and the orderly administration of its affairs and menacing many sacred and precious interests, have not received from either the Committee or the Assembly such a degree of careful consideration as is demanded by their exceeding importance."

For answer it should be said that this action of the Assembly is to give expression to the general attitude of our Church toward the proposal of the Cumberland Presbyterian Church to effect organic union of the two bodies. Both Churches recognize the fact that numerous details involved in the consummation of this union must have careful consideration after the Presbyteries have taken action upon the Overtures sent down by both Assemblies. To withhold our expression of readiness to proceed toward the completion of the negotiations thus hopefully begun, because of details whose consideration would naturally be adjusted by subsequent conference between the two bodies, would be to betray a lack of mutual trust between brethren which we do not entertain.

Let the great fundamental fact be made clear that both bodies desire to advance every possible step toward union, as it has now been announced to the world, and no doubt need be entertained that the Spirit of God will guide the task of harmonious adjustment of all necessary details. Let us give full place to our confident faith in the guidance of the Spirit of Christ and the Christian love of our brethren in him.

J. D. Moffat, R. F. Coyle, and Howard Agnew Johnson, Committee.—1904, p. 175.

9. Other dissents and protests entered.

Bose Case, Rev. C. A. R. Janvier and two others.—1901, p. 170. See also this *Digest*, p. 708.

Clinton Case, E. W. C. Humphrey and Rev. D. S. Kennedy, D.D.—1901, p. 169. See also this *Digest*, p. 256.

Riedy Case, Joseph McDuff, and six others.—1903, p. 133. See also this *Digest*, p. 673.

106. The judicatory may prepare an answer to any protest which imputes to it principles or reasonings which its action does not import, and the answer shall also be entered upon the records. Leave may thereupon be given to the protestant or protestants, if they desire it, to modify their Protest; and the answer of the judicatory may also, in consequence, be modified. This shall end the matter.

1. No answer deemed necessary when the assumptions have been refuted.

The Committee appointed to answer the Protest against the proceedings of the General Assembly on the "Memorial complaining of sundry grievances abroad in the Church," made the following Report, which was adopted, viz.:

That after a due consideration of the whole subject, and believing the protest to be founded on assumptions which were fully refuted and proved untenable in the course of a long and thorough discussion of the several resolutions adopted, they deem it inexpedient for the Assembly to assign any further reasons for the course pursued in relation to the above Memorial.—1834, p. 450.

2. The answer denies the imputations of the protest.

The Assembly deems the following a sufficient answer to the Protest against the action of the Assembly upon matters connected with the "Declaration and Testimony:"

1. It is apparent upon the face of the protest, that its signers deeply sympathize in principle, spirit and action, with the signers of the said "Declaration and Testimony," in opposition to the General Assembly.

2. The Paper imputes to the Assembly, in several particulars, that which does not appear from anything contained in its action in the case; but the Assembly is disposed to pass over this infirmity, and the disrespectful language employed in the protest, attributing these to an apparent inability, on the part of these brethren, to divest themselves wholly of prejudices which have grown out of the unhappy contest in which the country and the Church have been engaged during the last several years. —1867, p. 365, O. S.

3. The answer defines the action protested against.

A *Protest* of Francis B. Hall, and others, against the response of the Assembly to the Overture of the Women's Christian Temperance Union of Wisconsin was received and admitted to Record.—1885, p. 649.

The Assembly answer as follows:

The Committee appointed to prepare an answer to the protest of the Rev. Francis B. Hall and others reported an answer, which was amended, adopted and is as follows:

The action of the Assembly is a reaffirmation of the action of former Assemblies, on the subject of Communion wine, to the effect "that the control of this matter be left to the Sessions of the several churches, with the earnest recommendation that the purest wine attainable be used." We find nothing in the alleged protest that has any pertinency or application to this action, and therefore no further answer is needed.—1885, p. 685.

[NOTE.—In many cases the answer of the Assembly to a protest gives the fullest explication of its sentiments.]

107. No one shall be allowed to dissent or protest who has not a right to vote on the question decided,—and no one shall be allowed to dissent or protest on any question who did not vote against the decision; *provided*, that when a case has been decided by a Judicial Commission, any member of the judicatory to which the decision is reported, may enter his dissent or protest, or his answer to any protest, in the same manner as if the case had been tried before the judicatory itself, and he had voted thereon; and *provided*, that when a case has been decided by a Judicial Commission, sitting during an interval between the meetings of the electing judicatory, any member of such judicatory of the Commission may, within ten days

after the rendering of the judgment by the Commission, file his dissent from or protest against the judgment with the Clerk of the Commission; and the Commission or any member thereof may, within twenty days after the rendering of the judgment, similarly file an answer to any protest; and the Clerk of the Commission shall enter upon the record all dissents, protests, and answers, or shall forward the same to the Stated Clerk of the electing judicatory to be so entered by him.

1. Protest will not be received from those not members of the body.

A Paper of the nature of a protest was offered by the Rev. W. G. Craig from persons not members of the Assembly, which was read, and on motion, returned to Mr. Craig.—1867, p. 359, O. S.

2. A protest can be brought only by the minority of a judicatory itself.

a. The Committee on Minutes of the Synod of Sandusky recommend their approval, except that the Synod has entered upon its Minutes, on p. 75, a "formal protest" against the action of the last General Assembly.

Your Committee judge that remonstrance or Complaint, for the reopening of a question, may be made by an inferior judicatory to a superior; but that protest against the action of the General Assembly can be made only by a minority of the body itself.—1864, p. 307, O. S.

b. The Synod erred in this . . . that they permitted certain members of the Presbytery of Waterloo to enter a protest on their Records. —1888, p. 136.

CHAPTER XI.

OF JURISDICTION IN CASES OF DISMISSION.

108. The judicatory, to which a church member or a minister belongs, shall have sole jurisdiction for the trial of offences whenever or wherever committed by him.

[Note.—See above, Book of Discipline, Sec. 38, p. 579.]

1. Cases connected with extinct Presbytery.

[Note.—See below, Book of Discipline, Sec. 113, p. 756.]

2. Reception of a member on a qualified letter is void,

[Note.—See this *Digest*, Form of Government, Chap. x, Sec. vii, No. 12, p. 186. See below, p. 761.]

3. Jurisdiction over one charged with an offense is in that Presbytery of which he is a member.

Overture from the Presbytery of New Castle, asking the General Assembly to determine, whether that Presbytery or the Presbytery of Cleveland has jurisdiction of Rev. J. F. Severance. The facts in the case, appearing in the Overture, are as follows: Mr. Severance was a member of the Presbytery of Wilmington (which was succeeded by the Presbytery of

New Castle), but left the bounds of that Presbytery in 1868. In 1870 he was within the bounds of the Presbytery of Cleveland; and, after the reconstruction, twice sat in the Presbytery of Cleveland as a corresponding member from the Presbytery of New Castle. In September, 1871, he was received a member of the Presbytery of Cleveland, under the operation of *Principle 5*, adopted by the Assembly for the purpose of reconstruction.

Before the Presbytery of Cleveland adjourned the sessions at which Mr. Severance was received, that Presbytery obtained information, that rumors affecting the Christian character of Mr. Severance had come to the knowledge of the Presbytery of New Castle, and said Presbytery had appointed a Committee to inquire into the facts and correspond with Mr. Severance in regard to them; and this Committee had not been discharged, when Mr. Severance was received by the Presbytery of Cleveland. After the Presbytery of Cleveland had received this information from the Presbytery of New Castle, they reconsidered their action receiving Mr. Severance, and declared said action null and void. The question is, To which Presbytery does Mr. Severance belong? The Committee recommend the following answer: . . .

The decision of the Assembly, made in 1816, settles the principle that membership in any church judicatory is an entirety, and is not divisible. The judicatory is the judge of the fitness of an applicant for membership in it. The vote of the judicatory invests the applicant with all the rights of membership, of which he cannot be divested except by due course of discipline according to the Book. Hence, Mr. Severance is a member of the Presbytery of Cleveland, and that Presbytery has jurisdiction in his case.—1872, p. 72.

4. The Presbytery within whose bounds an offense is committed fulfills its duty in notifying the Presbytery to which the offender belongs.

When it is alleged that a minister has committed an offense in the bounds of a Presbytery of which he is not a member, the Presbytery in the bounds of which it is alleged the offense was committed, has performed its entire duty in the premises when it notifies the Presbytery to which he belongs, of the allegation and the grounds on which the allegation is based.—1869, p. 922, O. S.

109. A member of a church, receiving a certificate of dismission to another church, shall continue to be a member of the church giving him the certificate, and subject to the jurisdiction of its session (but shall not deliberate or vote in a church meeting, nor exercise the functions of any office), until he has become a member of the church to which he is recommended, or some other evangelical church; and, should he return the certificate, within a year from its date, the session shall make record of the fact, but he shall not thereby be restored to the exercise of the functions of any office previously held by him in that church.

[Note.—For the jurisdiction of the Session over members nonresident, see below, Book of Discipline, Sec. 116; over licentiates, see Form of Government, Chap. xiv, Sec. xi, p. 423.]

1. A suspended member may not be received on profession by another church. If received without knowledge of the facts, his name to be stricken from the roll.

Overture from certain members of the Presbytery of Madison:

We desire to make the following statement and inquiries:

A person is (we will suppose) under suspension in one of our own churches. He removes, and unites, on examination, with another of our churches, the Session of the latter one being wholly ignorant of his former membership, and, of course, of his suspension. The facts are, however, afterward discovered.

Would this discovery, of itself, vitiate his second membership, and leave him simply a suspended member of the former church?

Would unworthiness for church membership, clearly manifested, while in the latter church, and before said discovery, rightfully add any efficacy toward producing this result?

To the first of the above questions the Committee recommend an answer in the affirmative; to the second, if the question mean whether the Session of the second church has jurisdiction in the case of unworthiness manifested in the second relation, the Committee recommend an answer in the negative; but if the question mean whether the unworthiness manifested in the second relation be proper ground of separate process by the Session of the first church, the Committee recommend an answer in the affirmative. In respect to the whole case, the Committee agree in the statement following:

The person uniting with the second church on examination unites deceptively. So soon as the facts in the case are ascertained by the Session of this second church, the proper order of procedure is, for this Session, after conference with the accused person, to strike his name from their roll of church members as not under their jurisdiction, to communicate their action to the Session suspending him, with the reasons for it, and to request the said Session to proceed against him on separate process, for duplicity and disorder.—1866, p. 269, N. S.

2. A letter of dismission takes effect as soon as granted so far as rights and privileges are concerned.

a. A letter of dismission, whether issued to a ruling elder or private member, terminates the relations of the person dismissed with the church giving the letter, except so far as said church is responsible for its watch and care over him during the period of transition.

b. These rights and privileges can be regained in that church by returning the letters of dismission to the authority which gave them.

c. These rights and privileges can be secured in any other church within the jurisdiction of this General Assembly, by virtue of such certificates, provided they are presented to the Session thereof within one year from their date; and, until they are presented, such persons are amenable to the church from which the certificates were received.—1867, p. 512, N. S.

[Note.—The "rights and privileges" do not include the functions of any office previously held by him in that church. See Book of Discipline, Sec. 109, last clause.]

110. In like manner, a minister shall be subject to the jurisdiction of the presbytery which dismissed him, (but shall not deliberate or vote, nor be counted in the basis of representation to the General Assembly), until he actually becomes a member of another presbytery; but, should he return the certificate of dismission within a year from its date, the presbytery shall make record of the fact, and restore him to the full privileges of membership.

1. Jurisdiction over a deposed minister is in the Presbytery which deposed him.

a. The Presbytery of Des Moines deposed Rev. James H. Shields from the ministry. Subsequently, Mr. Shields applied for restoration to the Presbytery of Keokuk, within whose bounds he resided at the time of his application.

The Committee on Polity reported an Overture from the Presbytery of Keokuk, asking if they have jurisdiction over the case of James H. Shields, deposed by the Presbytery of Des Moines.

The Committee recommended to the Assembly, that the question submitted by the Presbytery of Keokuk be answered in the negative.—1859, p. 18, N. S.

b. In the case of Rev. Michael Hummer, deposed by the Presbytery of Iowa, and restored by the Presbytery of Highland, the Assembly declare it irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed.—1862, p. 608, O. S.

[Note.—See this *Digest*, under Form of Government, Chap. x, Sec. vii, p. 187; also Book of Discipline, Sec. 44, p. 582.]

2. Where a minister is deposed the name should not be formally stricken from the roll until the proceedings are finally issued.

An inquiry, proposed to the Assembly by Fisk Harmon, of Swede Point, Ia., respecting a case of discipline which has occurred in what he calls the Presbytery of D——. A minister is said to have been deposed, and the sentence of deposition to have been pronounced, but his name was not ordered to be stricken from the roll. The clerk, however, assumed the responsibility of erasing his name; and when the case was appealed to the Synod, and remanded by it to the Presbytery that new evidence might be presented by the appellant, and the deposed minister demanded that his name might be replaced on the roll before the Presbytery proceeded to the reception of the evidence, he was informed by the moderator that his name did not belong there. The inquiry is: "Can this new sentence of striking the name of the deposed minister from the roll be Constitutionally inflicted without a new and regular trial?"

The Committee recommend the following reply:

As the name of every minister under trial must be properly on the roll of some Presbytery, it should not be finally erased until the completion of all the ecclesiastical proceedings connected with the case. In the present instance, the Assembly decide that the name of the minister referred to should be restored to the roll of the Presbytery, and retained until the case has been finally disposed of.—1869, p. 270, N. S.

[NOTE.—Nor is the name of a suspended minister to be removed from the roll of Presbytery and placed upon a private register. See this *Digest*, Form of Government, Chap. x, Sec. vii, p. 188, 17.]

3. The privileges of membership cease with the granting of the letter.

The established rule of the Presbyterian Church, in relation to the dismission of a minister from his Presbytery is, "that, in all ordinary cases, all the rights and privileges of an individual in a Presbytery cease when, at his request, his dismission is granted."

He may, however, within any reasonable time before he has used his letter of dismission, return it to the Presbytery, and then claim all his former rights and privileges; but, until he has used his letter, he is amenable to the Presbytery which has dismissed him.—1867, p. 512, N. S.

4. While a minister is in transitu he is a member of the Presbytery which gave him his letter.

a. *Overture* from the Presbytery of Marion, as follows:

A minister receives a dismission to unite with a distant Presbytery, and travels in the region indicated, but does not remove his family. After an absence of months, perhaps of more than a year, he returns to the residence of his family. During his absence, however, the Synod sets off "all the ministers" of his Presbytery "residing north of the south line" of his county to form part of a new Presbytery. Holding the original certificate, to which Presbytery does he belong, and in case of the necessity of process for unministerial conduct, which Presbytery is bound to proceed in his case? It was

Resolved, That the minister in question be held to belong to the Presbytery which granted him the certificate.—1864, p. 314, O. S.

b. "A minister *in transitu* is not recognized by either the Presbytery or the Synod. He is not allowed to sit either as a member or to vote in the Presbytery or Synod."—1900, p. 79, C. P.

5. A suspended minister is under the jurisdiction of the Presbytery which suspended him. When sentence has been reversed for informality, if process is not commenced in six months, a dismission in good standing may be claimed.

Mr. Bell had been suspended, and took an Appeal to the Assembly, which was sustained.

The Committee appointed to prepare a Minute expressive of the sense of the Assembly concerning the *Appeal* of Joseph E. Bell, reported the following resolutions, which were adopted, viz.:

1. *Resolved*, That in the judgment of the Assembly, Mr. Bell was, and still continues to be, fully amenable to the Presbytery of Concord.

2. That while the Assembly do not wish to protect the guilty, they do judge that great caution, deliberation, and, as far as may be, the rules of discipline, where ministerial character is impeached, ought to be strictly observed, and that in this case the informality was exceptionable.

3. That if it be deemed necessary for the good of religion, and the honor of the ministerial character, the Presbytery of Concord are entirely competent to commence a new trial. Or if Mr. Bell shall desire for his own sake a new trial, the door is still open.

4. That in the meantime Mr. Bell's ministerial character shall be considered regular; and if no process shall be commenced by either party within the space of six months from the 1st of June next, then Mr. Bell may claim from the Presbytery of Concord a dismission declaring him to be in regular standing.—1828, pp. 240, 241.

6. A minister holding a letter of dismission is a member of the Presbytery dismissing him until received by another body.

In answer to an inquiry from the Mileage Committee as to the status of a minister *in transitu*, it was *Resolved*, That the ruling of the Assembly of 1860, p. 239, N. S. (see Moore's *Digest*, 1873, p. 619), be adopted as the ruling of this Assembly, to wit: He is a member of the Presbytery dismissing him until received by another body.—1883, p. 648.

7. Where the reception was invalid by reason of fraud he remains under the jurisdiction of the Presbytery dismissing him.

Overture from the Presbytery of Northumberland, relative to the question of jurisdiction in the case of Rev. Samuel E. Webster, who had obtained admission to the Presbytery of East Florida upon a letter whose date had been changed by said Webster, to bring it within the usual limit of one year. We recommend the following action: Inasmuch as the letter by which Samuel E. Webster was received into the Presbytery of East Florida was forged, so far as the date was concerned, his reception by it was invalid, and he is still under the jurisdiction of the Presbytery of Northumberland.—1894, pp. 44, 45.

8. A minister cannot be a member of two Presbyteries at same time.

Overture No. 25, from the Presbytery of Lima, asking whether Rev. Rees F. Edwards, who had presented a letter of dismission from the Presbytery of West Kwantung of the Presbyterian Church of Christ in China, could be received, when said certificate contains the statement that he still retains his full membership in the West Kwantung Presbytery.

To this Overture we recommend the following reply: A minister cannot be a member in full and regular standing of two Presbyteries at the same time, Rev. Rees F. Edwards, therefore, should elect in which of these Presbyteries he will retain his membership.—1909, p. 189.

9. Questions relating to Presbyterial letters dismissing ministers.

Overture No. 617, relating to Presbyterial letters of dismissal to ministers, propounding certain interrogatives on this subject and asking Assembly deliverances in reply thereto.

1. A minister without charge, being in good and regular standing in Presbytery, requests a letter of dismissal to another Presbytery. Is it not such a minister's absolute right to enjoy speed and freedom in the trans-

lation he seeks, so far as his Presbytery can help his change of relationship by issuing letters of dismissal?

Answer: Yes, though limited always by the rules of the Church.

2. When Presbytery grants such minister a dismissal, is it not the self-evident intention of Presbytery to promote and actually secure said minister's translation according to his request?

Answer: Yes, as far as the circumstances are known to the Presbytery at the time.

3. When a Presbytery votes to dismiss an applicant, may not Presbytery authorize its Stated Clerk to issue to the applicant when he asks it a letter of dismissal "to such Presbytery as the applicant may indicate"?

Answer: It may authorize the Stated Clerk to issue the letter in this way.

4. When a Stated Clerk, thus authorized, has issued *one* letter of dismissal to applicant, and the applicant returns the letter within one year, and for any reason requests the said Stated Clerk to issue a new letter, naming a *second* Presbytery to which the applicant desires to present it, has that Stated Clerk the power or right to defeat the evident intention of his Presbytery in ordering applicant's dismissal, or to block the applicant's translation by refusing a second letter?

Answer: The clerk has no right to issue a second letter.—1914, p. 155.

10. Presbytery may require ministers to take letters of dismission when so requested.

Overture No. 70. The Presbytery of Buffalo overtures General Assembly upon the regularity of members who moving without the bounds of the Presbytery of which they are members, and being requested by the Presbytery to call for letters of dismissal to the Presbytery within whose bounds they reside, fail to take action thereon.

The Committee recommends answer as follows: That Presbytery has a right to drop the name of any presbyter upon his failing to give good and valid reason why he has not taken his letter after being requested by Presbytery to do so, or to show cause why he has not taken such letter. This is in accordance with the acts of the General Assemblies of 1836, 1870, and 1872.—1919, p. 271.

11. Granting of letter of dismission to a minister not to be delegated to Stated Clerk.

Overture No. 23, from the Presbytery of Oakes, asking the General Assembly as to the power of a Presbytery to instruct its Stated Clerk to issue letters of dismission to ministers, during the intervals of its sessions. We recommend answer to this Overture as follows:

The granting of a letter of dismission and recommendation to a minister is a Presbyterial act, and the authority to issue the same cannot be delegated to the Stated Clerk.—1909, p. 188.

12. Presbytery's power 'to judge ministers' interpreted.

[NOTE.—See this *Digest*, p. 182, vi.]

Overture 22, from the Presbytery of Muncie suggesting the amendment of Book of Discipline, Chapter XI, by the addition of two sections, was referred by the General Assembly to the General Council, for consideration and report. The sections suggested by the Presbytery of Muncie are as follows:

"If a minister in good standing asks for dismission to another Presbytery his request shall be granted. Should there be rumors casting reproach upon his character or standing, it shall be the duty of the Presbytery to trace such rumors to their source. If, in the judgment of the Presbytery the rumors are based upon sufficient evidence, it shall be the duty of the Presbytery to prefer charges (Chapter III) and to start process (Chapter IV) as outlined in the Book of Discipline. Not until the process is ended and his good standing has been established shall a letter of dismission be granted to him.

"Should questions arise involving the good character of a minister who seeks dismission but against whom charges might not be sustained, or questions involving his personal fitness for an efficient ministry among the churches, it shall be the duty of the Presbytery to meet the issue promptly and fairly so as to remove the disability if possible. But if, after faithful and conscientious endeavor, it becomes fully apparent to the Presbytery that the serious disability cannot be removed, it shall be the duty of the Presbytery to inform him that a letter of dismission cannot be granted to him and to advise him to demit the ministry, as provided in Chapter VII, Section 51, of the Book of Discipline. Nothing in this Section, 113b, shall be so construed as to deprive him of his right of appeal."

It is recommended that the General Assembly take no action on said Overture 22 and for the following reasons:

One of the general powers conferred upon a Presbytery by the Form of Government (see Chapter X, Section VII) is "to judge ministers." This general power, interpreted by other sections of the Form of Government, by sections of the Book of Discipline, and by actions of the General Assembly, covers in a broad way, by direction or by implication, all the details outlined in the proposed new sections. Specifically: a Presbytery now has, under the Constitution, power to judge ministers when seeking dismission from a Presbytery, including the power to advise a minister to demit the ministry, and a minister's ordination vows require obedience to the Presbytery of which he is a member. Therefore, there appears to be no need for the addition to the Book of Discipline of these sections as suggested by the Presbytery of Muncie.

All that would seem to be called for to meet the desires of the Presbytery of Muncie is the declaration now made, and its adoption by the Assembly, authoritatively declaring that each Presbytery has now both the powers and the duties contemplated in the overture from the Presbytery of Muncie, and that every Presbytery should fulfil these duties and exercise these powers whenever in its judgment their exercise is called for by the interests of the Church.—1928, p. 99.

111. A presbytery, giving a certificate of dismission to a minister, licentiate, or candidate for licensure, shall specify the particular body to which he is recommended; and, if recommended to a presbytery, no other than the one designated, if existing, shall receive him.

1. Presbytery must specify the body to which a member is dismissed.

Resolved, That, whereas it is a fundamental principle of the government and discipline of the Presbyterian Church, that every minister of the Gospel belonging to it be subject, at all times, to his brethren in the Lord, and accountable to them for the orthodoxy of his principles, and for his moral, religious, and orderly deportment; it is therefore,

Ordered, That every Presbytery under the care of this Assembly, whenever they dismiss a member, be careful particularly to specify with what Presbytery, association, or classis, or other religious body, he is to be associated after his dismission (to which some of the Presbyteries do not appear to have been sufficiently attentive); and that every member so dismissed be, in all cases, considered as amenable to the Presbytery which has dismissed him till he shall become connected with the ecclesiastical body which he shall have been directed to join.—1806, p. 351. See above p. 192, 24.

2. He must unite with the body designated.

Can a minister of one Presbytery unite with any other Presbytery than that designated in his letter of dismission? Answered in the negative (see Chap. x, Secs. ii-iv, Book of Discipline [Old]).—1877, p. 550.

3. The Presbytery receiving a minister on a certificate must notify the Presbytery that dismissed him.

[Note.—See below, Sec. 115.]

4. The dismission may not be by a standing committee.

[Note.—See this *Digest*, under Form of Government, Chap. x, Sec. vii, p. 181.]

112. If a church becomes extinct, the presbytery with which it was connected shall have jurisdiction over its members, and grant them letters of dismission to some other church. It shall, also, determine any case of discipline begun by the session and not concluded.

1. Members of an extinct church amenable to Presbytery.

A church has been dissolved by the Presbytery, letters having been given the members to unite with any evangelical church where God may, in his providence, cast their lot.

One of these members hold such a letter more than eighteen months old, not having used said letter. Is such a member amenable to the Presbytery, and is the Presbytery under obligation to receive, entertain, and pass upon a Complaint entered against such party, holding said letter?

The Committee recommend that this Overture be answered in the affirmative, on the following grounds:

1. That every church member is amenable to some appropriate tribunal, and that, in the case specified in the Overture, this tribunal must be the Presbytery.

2. That every member of a church continues to be amendable to that church, until he becomes regularly connected with another.—1869, p. 266, N. S.

113. If a presbytery become extinct, the synod, with which it was connected, shall have jurisdiction over its members, and may transfer them to any presbytery within its bounds. It shall, also, determine any case of discipline begun by the presbytery and not concluded.

[NOTE.—See this *Digest*, under Form of Government, Chap. x, Sec. vii, p. 184.]

CHAPTER XII.

OF REMOVALS, AND LIMITATIONS OF TIME.

114. When any member shall remove from one church to another, he shall produce a certificate, ordinarily not more than one year old, of his church-membership and dismission, before he shall be admitted as a regular member of that church.

The names of the baptized children of a parent seeking dismission to another church shall, if such children are members of his household and remove with him and are not themselves communicants, be included in the certificate of dismission. The certificate shall be addressed to a particular church, and the fact of the reception of the person or persons named in it shall be promptly communicated to the church which gave it.

Amendment of the Book of Discipline, Section 114. When any member removes from a community in which the church is located, of which he is a member, for the purpose of securing an education, the Session of said church may issue to him a certificate of good standing, which, if issued, shall be used by the member receiving it solely for the purpose of establishing affiliated membership, without enrolling as a regular member, in a church located in the community of which the educational institution he attends is a part. The certificate shall be good for two years, subject to renewal. The Session issuing the certificate shall duly notify the fact to the pastor of the church named therein and shall retain the name of the member on the roll of the home church.

[NOTE.—See this *Digest*, Form of Government, Chap. ix, Sec. vi. p. 109.]

1. A certificate of dismission should be required.

Nor can the Assembly forbear to regret that the Session of the church of Chillicothe had not acted in a more formal manner in receiving Mr. McCalla, and had not required a regular certificate of dismission from the church to which Mr. McCalla belonged before they received him.—1821, p. 21.

2. Session instructed to give letter of dismission.

a. *Judicial Case No. 5*, being an Appeal of Miss Maggie Gowland from the action of the Synod of Illinois.

The Judicial Committee find the Papers submitted incomplete and failing to furnish information for any proper trial of the case. They recommend that the Appeal be referred to the Synod of Illinois, to take such action in the premises as the interest of religion, the good order of the Church, and the securing of full justice to the appellant may seem to them to demand.—1899, p. 45.

b. *Judicial Case No. 10*, being the Complaint of Miss Maggie Gowland *vs.* the Synod of Illinois. The Committee recommend that the Session of the First Presbyterian Church, Bloomington, Ill., be instructed to give Miss Maggie Gowland a letter of dismission in the usual form to the Second Presbyterian Church in Bloomington, Ill.—1900, p. 120.

3. On session's refusal to grant letter of dismission, Presbytery was directed to do so.

A session refused to obey an order of presbytery to grant a certificate of dismission, and thereupon the synod directed presbytery to furnish the same. The member receiving the certificate appealed on the ground that such certificate, not being issued by the session, "must necessarily be considered not a valid document." The judgment of the Assembly, however, was "that the synod had power to issue the order complained of, and the certificate so issued was a valid document."—1875, p. 511.

4. Names of baptized children, not adults or communicants, should be included.

When parents with their families are dismissed to other churches, the names of baptized children who have neither come to years of discretion nor become communicants should be embraced in the certificate given.—1882, p. 98.

5. To receive members of churches of our own connection without a certificate is irregular.

The same Committee reported an *Overture*, asking if it be in accordance with ecclesiastical law and order in the Church to receive members of another church who have not been regularly dismissed, with a view to such change of relation.

The Committee recommended that, so far as churches in our own connection are concerned, the question be answered in the negative, and refer to the Book of Discipline (Old), Chap. xi, Sec. i.—1868, p. 58, N. S.

6. Dismission to join another denomination.

a. *Resolved*, That in all cases where members of any of our churches apply for dismission to unite with a church of another denomination, the proper course is to give a certificate of Christian character only.—1839, p. 177, O. S.

b. The Presbytery of Hudson, requesting that this rule be rescinded, the Assembly replied:

The Presbytery of Hudson has misapprehended the spirit and scope of the resolution in question. It is neither a censure on the individuals, nor the churches to which they seek to be dismissed, but sets forth the only fact which it is important that those churches should know.—1848, p. 22, O. S.

[NOTE.—Churches in correspondence should be treated as if of our own connection.]

7. The form of dismission to other denominations left to the discretion of the Sessions.

Shall members of our churches, who may wish to join churches not in correspondence with the General Assembly, receive certificates in the same form as if they wished to join another church, in our communion, or in correspondence with the Assembly; or has the church Session done all that it ought to do, when in such cases the good and regular standing of the persons so applying is duly certified?

Resolved, That this whole subject is one that ought to be left to the sound discretion of the various church Sessions, according to the Constitution of the Presbyterian Church.—1851, p. 28, O. S.

8. Dismission of a suspended member.

Is it orderly in any case to dismiss to another church a suspended member, stating the case, and submitting it to the Session to which he has removed?

It may be orderly in circumstances of necessity arising from removal to an inconvenient distance, provided that in no instance the Session to which he be dismissed be allowed to review or rejudge the case.—1849, p. 239, O. S.

9. Letter cannot be given to suspended member unless repentant.

Judicial Case No. 3. The Judicial Commission to which was referred the Complaint of the Rev. Frank Granstaff and the Rev. A. W. Ringland, and the Appeal of the Rev. J. C. Holliday, against the action of the Synod of Ohio, in reversing the decision of the Presbytery of Zanesville and the Session of the First Church of Zanesville, in refusing to grant a letter of dismission to W. J. Massey, a member under suspension, respectfully report the following, viz.: The Complaint and Appeal are sustained, and the action of the Synod is reversed. The grounds of this decision are, first, that Synod reversed the action of the Presbytery and of the Session, without assigning any specific reasons therefor; and, second, that it ordered a letter of dismission to be given to a suspended member when there was no satisfactory evidence of his repentance.—1898, p. 195.

10. A suspended person being restored by the superior judicatories may claim dismission in good standing.

a. In regard to the *Complaint* of Mr. Dobbins, against the Session of the church of Augusta, for receiving members suspended by the Session of the church of Smyrna, the Assembly are of opinion that both Sessions acted unconstitutionally; the Session of Smyrna in suspending said members, and the Session of Augusta in receiving them when suspended. Therefore,

Resolved, That the Appeal, on this Complaint, be and it is hereby sustained; and the members in question are hereby declared to be still members in good standing in the church of Smyrna; and the Session of the church of Smyrna are hereby directed to dismiss said members if they still desire it, that they may regularly connect themselves with the church of Augusta.—1824, p. 124.

b. *Resolved*, That the Presbytery of Nashville having fully exonerated the appellant from all blame in the matters respecting which he was charged before the Session of the church at Clarksville, his character is unimpeached, and that he is now, and ever has been since the action of the Presbytery in his case, entitled to a dismission from the church at Clarksville, whenever applied for, in order to connect himself with any church in the vicinity of his present residence.—1849, p. 237, O. S.

11. A dismission may be irregular yet valid.

A Memorial from individuals in the Presbytery of Concord, formerly under the pastoral care of the Rev. Mr. Davies, asking the Assembly to determine whether they are to be considered members of the Prospect Church, or whether their dismission from the church of Centre is to be considered null and void. The Committee recommended that the Assembly, while not approving of the haste and confusion with which their dismission was given, declare their actual connection with the church of Prospect now to be valid and regular.—1849, p. 266, O. S.

12. Members removing should be furnished with testimonials of standing, and should be counseled to transfer their relations.

Overture from the Presbytery of Iowa, asking the Assembly to make it the duty of every church to give a letter of dismission to every member when removing to another locality where there is a Presbyterian church, etc. The following answer was adopted:

The Committee recommends that it be enjoined upon the Sessions of our churches, on the removal of any members beyond the boundaries of their own organizations, to furnish such members, whether in full communion or members by baptism only, with testimonials of their standing; which testimonials it shall be the duty of such persons at once to present to some church of our connection, and the Sessions shall earnestly counsel these members to transfer their relation immediately, if practicable, or at the earliest opportunity.

Also, that in case but a single organization of our order is within reach of the parties so removed, the Sessions having care of them shall transmit to that church Session a copy of the testimonials foregoing; if there be more than one such organization, then the parties transferred may elect to which organization these testimonials shall be sent.—1869, p. 923, O. S.

13. Churches receiving members by letter should notify the church from which they come. Blank forms of the Board of Publication commended.

Overture from the Presbytery of Neosho, on the dismission of church members.

Resolved, That the General Assembly urge upon the Sessions of churches the importance of giving to members who remove from them either letters of dismission and recommendation to a particular church, or in case of uncertain destination, letters of credence, and that, on the reception of members from other churches, they notify immediately the church from which the member has been dismissed. And they also urge upon all our churches the use of the printed blanks for the dismission and reception of members furnished by our Board of Publication.—1871, p. 587.

[Note.—See below, under Sec. 115, p. 761.]

14. The limit of one year does not ordinarily exclude, where the Session has knowledge of the reasons and of the religious life.

The Synod (of Kentucky) except to the Sessional records of a certain church, because of the alleged irregularity of said Session in receiving members on return of certificates alone, after undue length of time, knowledge of such irregularity being brought to the Synod's notice by a protest (Book of Discipline [Old], Chap. xi, Sec. ii). Your Committee recommend that exception be taken to this action of the Synod because, in their judgment, the Synod's exception to the Presbytery's action is not well taken, for the reason that it appears to your Committee, from Papers placed in their hands, and which ought to have been in the Synod's possession before taking action in the case, that the parties in question had good and sufficient reasons for such delay, being unsettled as to a permanent home; their moral and religious life, meantime, being well known to the Session as fully comporting with the requirements of the Gospel of Christ. —1880, p. 79.

15. The moderator or Stated Clerk may be authorized to issue letters in the interim.

Overture from the Presbytery of Baltimore, asking the Assembly "to modify the deliverance of the Assembly of 1890 (*Minutes*, p. 113), so that church Sessions may delegate authority to issue letters of dismission to those in good and regular standing, the granting of such certificates to be affirmed at the next meeting of the Session."

The Committee answer, that it does not find in the Form of Government anything which would invalidate the custom of authorizing, by vote of Session, its moderator or Stated Clerk or issue letters in the interim of the meetings of the Session to members who are in good standing, and to report such dismission to the Session at its next meeting.—1891, p. 106.

16. Form authorized for letters of dismissal.

That the Assembly authorize the Stated Clerk of the Assembly to prepare a form of dismissal, to which shall be attached a certificate to be returned to the Session issuing the letter of dismissal. There shall also be attached to this return certificate a form of notification to the Session of the church to which the letter of dismissal is addressed.

That the Board of Publication be requested to print the form prepared by the Stated Clerk, and use its best efforts to place them in all the churches. —1900, p. 83.

17. Removal notices of members authorized.

a. *Overtures Nos. 33-35*, from the Presbytery of Brooklyn, the Presbytery of New York, and the Presbytery of Rochester, asking that pastors be requested to report the names of church members removing to the cities to the pastors in such cities. The Committee recommends that the Overtures be approved.—1904, p. 177.

b. *Overtures Nos. 6-82,* asking the Stated Clerk to prepare and offer to the Church at large Removal Notices, substantially similar to the form appended, to be sent by a pastor to the pastor of the church within whose bounds an absent member locates. The Committee respectfully recommends that the Stated Clerk be authorized to prepare and the Board of Publication to publish such Removal Notices, and that the Assembly direct pastors and Sessions to use them.—1906, p. 192.

115. In like manner, when a minister, licentiate, or candidate, is dismissed from one presbytery to another, the certificate shall be presented to the presbytery to which it is addressed, ordinarily within one year from its date, and the fact of his reception shall be promptly communicated to the presbytery dismissing him.

1. Notice of reception to be given.

1. That on the reception of a minister by certificate of dismission from another Presbytery, it be recommended to the Stated Clerk of the Presbytery receiving him to notify the Stated Clerk of the Presbytery granting the certificate of the fact of the reception.

2. That the name of every minister receiving a certificate of dismission be retained on the roll of the Presbytery dismissing him until notice of his reception be received from the Stated Clerk of the Presbytery receiving him.

3. That similar recommendations be sent to Sessions concerning the dismission and reception of church members.—1874, p. 82.

116. If a church-member, more than two years absent from the place of his ordinary residence and church connections, applies for a certificate of membership, his absence, and the knowledge of the church respecting his demeanor for that time, or its want of information concerning it, shall be distinctly stated in the certificate.

[NOTE.—See above, p. 587.]

1. The standing of members absent and unknown. Such absence without certificate itself censurable. If willful, they should be suspended.

The Committee appointed on the *Overture* from the Synod of New Jersey, inquiring what a church Session ought to do with members in communion who have been absent for years without having taken a certificate of dismission, and whose place of residence is unknown, made a Report which, being read and amended, was adopted, and is as follows, viz.:

That although this particular case is not provided for by a specific regulation in our Book of Discipline (Old), yet it is embraced by certain general principles which are recognized in that book and interwoven with many of its provisions. These principles, together with the result bearing on the case in question, the Committee beg leave most respectfully to state:

1. Every church member is amenable to some appropriate tribunal, by the wisdom and fidelity of which, in case of his falling into any error, immorality or negligence, he may be dealt with according to the Word of God.

2. No member of a church can properly ever cease to be such but by death, exclusion, a regular dismission, or an orderly withdrawing to join some other Christian denomination; and must of necessity continue to be amenable to that church until he becomes regularly connected with another.

3. For a church member to withdraw from a use of his privileges as a member, either by irregularly connecting himself with another denomination, or by going to a distant part of the world to reside for a number of years, without making known his removal to the church Session, and asking a certificate either of good standing, for the purpose of enjoying occasional communion elsewhere, or of dismission, to join some other church, is itself a censurable violation of the principles of church fellowship, and may infer suspension from its privileges.

4. Church members, therefore, who have been absent for a number of years in unknown places, are by no means to have their names erased from the churches to which they respectively belong, but are to be held responsible to their respective churches; and if they should ever return, or be heard from, are to be regularly dealt with according to the Word of God and the principles of our Church; and although great caution and tenderness ought to be exercised toward those whose withdrawing from Christian privileges may be occasioned by the unavoidable dispensations of Providence, without any material fault of their own, yet in all cases in which a church Session has good reason to believe that any of the church under their care have absented themselves with design, either from a disregard of Christian privilege or from a wish to escape from the inspection and discipline of the Church, they ought, without unnecessary delay, to declare such persons suspended from the privileges of the church until they give evidence of repentance and reformation, and of course, in making their statistical Reports, ought to enumerate such among the members under suspension.—1825, pp. 138, 139.

[NOTE.—See this *Digest*, Form of Government, Chap. ix, Sec. vi; a decision on the duties of the Session in case of certain irregularities, No. 25, p. 121. See also Book of Discipline, Secs. 50 and 53, pp. 586, 592.]

117. Prosecution for an alleged offence shall commence within one year from the time of its alleged commission, or from the date when it becomes known to the judicatory which has jurisdiction thereof.

1. Limitation not to be pleaded against the order of a superior judicatory.

[NOTE.—In a case carried by Complaint to the Synod of Mississippi, the Synod referred the whole matter back to the Presbytery. The Presbytery entered upon the case; but, finding that two years had elapsed since the act was committed, declined to proceed further, on the ground of the limitation above.]

The Assembly declared:

That the Presbytery of Louisiana erred in pleading the limitation of time for their noncompliance with the resolution of Synod, referring this whole case to them for a full investigation.—1850, p. 481, O. S.

2. The plea is good where the offense was known to members of the judicatory more than a year before process was begun.

Overture No. 19 was then taken up from the docket, which is as follows:

When a church Session has tabled charges against a church member for falsehood, and summoned the accused with the witnesses, is it competent for the Session to dismiss the charges on the plea of the accused that a prosecution is barred by the limitation of time in Chap. xi, Sec. v, of the Book of Discipline ("Process, in case of scandal," etc.), the alleged crime having been committed and "become flagrant," and known to members of Session more than twelve months before process was instituted?

The Committee recommended that this inquiry be answered in the affirmative.—1857, p. 42, O. S.

CHAPTER XIII.

I. CONCERNING JUDICIAL CASES IN PRESBYTERIES AND SYNODS.

118. A Presbytery or a Synod may elect* from the ministers and ruling elders subject to its jurisdiction a Permanent Judicial Commission which shall be composed of not less than seven members for a Presbytery, four ministers and three ruling elders; and not less than eleven members for a Synod, six ministers and five ruling elders. The term of office in said Permanent Judicial Commission shall be six years.

Nothing in this section shall be so construed as to prevent a Presbytery or a Synod from electing at its own discretion Special Judicial Commissions, which shall be subject to the same rules so far as they apply, that pertain to a Permanent Judicial Commission. To such a Special Judicial Commission, the electing judicatory may transmit any judicial case for hearing and decision."

1. Members of a Presbytery complained of have right to vote in election of commission to issue said complaint.

Overture 12, from the Synod of New Jersey, asking the following question: "When the Synod, having received a complaint against a Presbytery, and having found it in order, and having resolved to turn the case over to a commission, whether when electing the members of the commission, the members of the judicatory complained of shall have the right to vote for the members of the commission?" It is recommended that the following reply be made: the members of the judicatory complained of have such a right.—1928, p. 71.

119. The Commission shall elect from its members a Moderator and a Clerk; and, in the case transmitted to it, shall have the powers prescribed by, and conduct its proceedings according to, the Constitution and rules governing the trial of such cases before the electing judicatory, to which, also, it shall make a report.

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* See above, p. 717, line 28.

120. The quorum of the Commission shall consist of not less than two-thirds of the members elected to it, *provided* that at least one-half the quorum shall be ministers.

121. The meetings of the Commission shall be held at such times and places as the electing judicatory shall direct, or, if no directions shall be given, then at such times and places as the Commission shall determine.

122. The decision of the Commission, sitting in any case at the same time as the electing judicatory, shall be promptly reported to the judicatory, and shall, from the time of the rendering of the report, be held to be the final judgment of the judicatory. The decision of the Commission, sitting in any case during an interval between the meetings of the electing judicatory, shall from the time of the announcement of the decision, be held to be the final judgment of the judicatory.

1. Answers to questions concerning powers of Judicial Commissions.

Overture No. 680, relating to Judicial Commissions, asking the Assembly to answer certain questions concerning the powers of Judicial Commissions appointed by the different courts.

Answer: 1. The finding of a Judicial Commission sitting between meetings of the Judicatory is the final judgment of the Judicatory itself, immediately on announcement of the decision (Sec. 122, Book of Discipline), and the announcement of the decision in such a case is forthwith, by transmitting a certified copy of the decision to each party in the case (Sec. 123, Book of Discipline).

2. The finding of a Judicial Commission is the final judgment of the judicatory upon the rendering of the Report if the Judicatory be sitting, and if not it is final upon announcement of the decision. This necessarily precludes all discussion.

3. The reference to a Judicial Commission must be for "hearing and decision" (Sec. 118, Book of Discipline), and the decision, when reported, or announced as the case may be, is final.—1914, p. 159.

2. A Presbytery may not review the findings of a Judicial Commission.

Overture No. 681, asking the Assembly to answer certain questions pertaining to the power of a Presbytery to review the findings of a Judicial Commission.

It is recommended that the following answer be given:

Upon the filing of the finding of a Judicial Commission the Presbytery has no power to review the same, and the one remedy against the decision is by Appeal or Complaint to a higher Judicatory.—1914, p. 159.

123. The Clerk of the Commission shall keep a full and correct record of the proceedings and decision of the Commission; shall with the Moderator certify in writing such record to be full and correct; and shall forthwith transmit a certified copy of the decision to each party in the case, and file the certified record with the Stated Clerk of the electing judicatory.

124. The Stated Clerk of the electing judicatory, upon the request of the Commission in any case, or upon its failure to report the certified record of such case when called for by the judicatory, shall forthwith report the certified record to the judicatory; and shall preserve it as a part of the records of the same, and shall include it in the records sent up to the next superior judicatory for review.

II. CONCERNING JUDICIAL CASES IN THE GENERAL ASSEMBLY.

125. The General Assembly shall elect a Commission, which shall be called "The Permanent Judicial Commission of the General Assembly," and shall be composed of eight ministers and seven ruling elders, of whom not more than two shall belong to the same synod. At the first election fifteen persons shall be elected, five to serve for one year, five for two years, and five for three years, and thereafter five persons shall be elected annually to serve for three years. The terms of the members of the Commission shall begin with the close of the General Assembly at which they are elected. No person having served upon the Permanent Judicial Commission shall be eligible for reëlection or appointment until three years shall have elapsed, from the expiration of the time for which he was elected or appointed. And no person shall be eligible to membership on the Permanent Judicial Commission who is a member of any other Commission of the General Assembly. Any vacancy may be filled by the General Assembly at any meeting thereof by the election of a person for the unexpired term. If a vacancy shall occur during an interval between two General Assemblies, it shall be filled by appointment by the Moderator of the General Assembly until the next ensuing General Assembly. The General Assembly may transmit to this Commission any judicial case for hearing and decision.

126. The Commission shall annually elect from its members a moderator and a clerk, and, in the cases transmitted to it, shall have the powers prescribed by, and conduct its proceedings according to, the Constitution and rules governing the trial of such cases before the General Assembly, to which, also, it shall make reports.

127. The quorum of the Commission shall consist of not less than eleven members, of whom at least six shall be ministers.

1. Temporary appointments in order to a quorum of the Permanent Judicial Commission.

a. The Assembly granted the request of the Permanent Judicial Commission that the Rev. C. Howard Grube, of the Presbytery of Minnewaukan, and the Rev. V. V. Nicholas, of the Presbytery of Saginaw, be appointed to sit with the Commission representing the General Assembly only in such cases as require a quorum through the presence of these two ministers.—1923, p. 38.

b. The Moderator of the Permanent Judicial Commission, reported as follows:

That because one of the members of the Judicial Commission under the provisions of Section 91, of the Book of Discipline, cannot sit, deliberate, or vote in the case of the complaint of the Rev. Frederick Schweitzer, D.D., vs. the Synod of Pennsylvania, it will be necessary for this General Assembly to elect an additional member to constitute the quorum of the Judicial Commission for the hearing of this particular case.—1929, p. 19.

c. The Rev. Frank C. McKean, D.D., was elected an additional member of the Permanent Judicial Commission to constitute the quorum necessary in that body for the hearing of the Complaint of the Rev. Frederick Schweitzer vs. the Synod of Pennsylvania.—1929, p. 24.

128. The meetings of the Commission shall be held at such times and places as the General Assembly shall direct, or, if no directions shall be given, then at such times and places as the Commission shall determine.

129. The decision of the Commission in any case shall be held to be the preliminary judgment in that case, and shall be binding upon each party therein until the date of the final judgment of the General Assembly; *provided*, that the General Assembly may modify or suspend the preliminary judgment in any case remitted by it for further hearing.

130. The Clerk of the Commission shall keep a full and correct record of the proceedings and preliminary judgment of the Commission in each case transmitted to it; shall with the Moderator certify in writing such record to be full and correct; and shall forthwith transmit a certified copy of the preliminary judgment to each party in the case and file the certified record with the Stated Clerk of the General Assembly.

131. The Stated Clerk of the General Assembly, upon the request of the Commission or upon its failure to report the certified record of any case when called for by the General Assembly, shall forthwith report the certified record to the General Assembly, and shall preserve it as a part of the records of the same.

132. Immediately upon the presentation of the preliminary judgment in a case, any member or members of the Commission shall have the right to read and file a dissenting opinion or opinions.

133. The procedure in connection with the presentation to the General Assembly of the preliminary judgment of the Permanent Judicial Commission, and of a dissenting opinion or opinions, if any, shall be as follows:

Immediately upon the conclusion of the reading of the preliminary judgment of the Commission in any case, and of the dissenting opinion or opinions, if any, the Moderator of the General Assembly shall put the question, without debate, "Shall the preliminary judgment of the Permanent Judicial Commission be made the final judgment of the General Assembly?"

If a majority shall vote in the affirmative, the preliminary judgment of the Permanent Judicial Commission shall be declared by the Moderator to be the final judgment of the General Assembly.

If a majority shall vote in the negative, a motion, debatable except on the merits of the case, will be in order to review the preliminary judgment of the Permanent Judicial Commission.

134. The preliminary judgment in any case when reviewed by the General Assembly to which it has been reported, may be affirmed, reversed, modified, suspended, or remitted for further hearing. In this review, instead of the record in the case, the finding of the facts by the Judicial Commission shall be read. On such review, if the case be not remitted, the decision of the General Assembly shall be held to be its final judgment. If the case be not reviewed by the General Assembly to which it has been reported, or if it be reviewed and no decision be reached, then at the dissolving of the same the preliminary judgment of the Permanent Judicial Commission shall be held to be the final judgment of the General Assembly.

1. Preliminary judgment of Permanent Judicial Commission not reviewed by General Assembly becomes final.

Furthermore, in view of the fact that the General Assembly of 1927 voted not to review the preliminary judgment of its Permanent Judicial Commission, and that Section 134 of the Book of Discipline provides that at the adjournment of the General Assembly without such review, the judgment of the Permanent Judicial Commission shall be held to be the final judgment of the General Assembly, your Committee is of the opinion that this case has been finally adjudicated and so has passed beyond the control of this Assembly or of any future Assembly.—1928, p. 47.

135. The necessary expenses of the Commission shall be provided for by the General Assembly.

136. Nothing in this chapter shall be so construed as to prevent the General Assembly from electing, at its own discretion, Special Judicial Commissions, which shall be subject to the rules, so far as they apply, that pertain to the Permanent Judicial Commission.

III. OF NONJUDICIAL OR ADMINISTRATIVE CASES AND REFERENCES.

137. A presbytery or synod may transmit to any Judicial Commission elected by it any nonjudicial or administrative case founded on complaint, or any reference, or any case arising under Chapter xiv, of the Book of Discipline, entitled "Of Differences Between Judicatories," with such powers as the transmitting judicatory shall confer upon the Commission.

138. The General Assembly may transmit to any Judicial Commission elected by it any nonjudicial or administrative case founded on a complaint, or any reference, or any case arising under Chapter xiv, of the Book of

Discipline, entitled "Of Differences Between Judicatories," with such powers as the General Assembly shall confer upon the Commission.

[Note.—Chapter xiii, relating to Judicial Commissions, was materially changed and adopted in 1907. For previous form, and for deliverances and decisions thereunder] see *Digest* of 1907, pp. 803 and 1110; *Minutes*, 1896, pp. 84, 85, 151, 152; 1899, p. 127.,

RULES OF THE PERMANENT JUDICIAL COMMISSION.

In accordance with the requirements of the Constitution, the Permanent Judicial Commission respectfully reports to the General Assembly the following rules of procedure:

1. The General Rules for Judicatories, as far as applicable.

2. Vice Moderator.—In addition to a moderator and clerk, the Commission shall elect, annually, a vice moderator, who shall act as moderator in the event of the death, disability, resignation or absence of the moderator, or of the termination of his commissionership; and he shall hold office until the election of his successor.

The vice moderator shall be a member of the Commission, whose term expires at a period not less than two years from the date of his election.

3. Clerk.—In the event of the death, disability, resignation or absence of the clerk, or the termination of his commissionership, the moderator shall appoint a clerk pro tem., to serve in the interim of the meetings of the Commission.

4. When the moderator receives notice from the Stated Clerk of the General Assembly that the services of the Commission will be needed at any time or place, he shall forthwith notify each member of the Commission that the services of the Commission will be required at such meeting.

5. The Commission, when so ordered, shall meet at the same time and place with the General Assembly, and shall convene for organization at 5 o'clock P.M. of the first day of the meeting of the General Assembly. The time and place of all other meetings shall be determined by the moderator and the clerk of the Commission, unless otherwise ordered by the Commission or the General Assembly.

6. Immediately after the organization of the Commission, at any meeting of the General Assembly, the fact shall be reported to the General Assembly, and at the same time a Report shall be made as to vacancies existing or about to occur, caused either by the expiration of the term for which members were elected or by death or resignation, for reference to the Judicial Committee, according to the Constitution.

7. The officers of this Commission shall be elected, annually, on Tuesday, the fifth day of the meeting of the General Assembly, at 3 o'clock P.M., and such officers shall assume the duties of their several offices upon the final adjournment of the General Assembly, serving in the interim between meetings of the General Assembly and until final adjournment of the next succeeding General Assembly.

8. It shall be the duty of the moderator, or some one designated by him, to appear before the General Assembly to present the findings of the Commission in cases referred to it by the General Assembly.

9. The Commission shall designate a member or members to represent it in the General Assembly to defend any action or finding of the Commission.

10. The Commission shall set a time limit for arguments of such litigants and their counsel as may appear before the Commission in any case, and shall so notify them prior to the hearing of the same.

11. The Commission is requested and directed to file its Minutes in due time after the adjournment of the Assembly with the Stated Clerk.

[Note.—See also Rules on Complaints and Appeals, *Minutes*, 1914, pp. 256–258.]

RULES GOVERNING THE TAKING AND HEARING OF APPEALS AND COMPLAINTS.

The General Assembly of 1914 adopted certain rules on the above subject which are given below so far as related to Assembly business.

1 and 2: These rules have to do with the duties of Stated Clerks of Presbytery and Synod.

3. It shall be the duty of the Stated Clerk of the General Assembly in transmitting to the Committee on Judicial Business the transcript in any Appeal or Complaint, also to transmit a certified copy of the docket made by him.

4. It shall be the duty of the Committee on Judicial Business to examine the Record and all the Papers and documents in all Appeals and Complaints and determine whether it contains all steps taken by the Synod or Presbytery where the action sought to be reviewed was had. If the Committee on Judicial Business finds that all such precedent action had is properly embraced therein, it shall then certify such case to the General Assembly, which certificate shall be in the following form:

"The Committee on Judicial Business of the General Assembly of 19—hereby certifies that it has duly examined all the Papers, documents and Records filed with it by the Stated Clerk of the Assembly in the within case, and finds that all steps have been taken which are required by the laws of the Church, in order to properly present to the Permanent Judicial Commission the questions arising therein, and herewith transmits to said General Assembly all such Papers, documents and Records."

5. It shall be the duty of the clerk of the Judicial Commission to docket the Records of each of said causes in the order indorsed thereon by the Stated Clerk of the General Assembly.

CHAPTER XIV.

OF DIFFERENCES BETWEEN JUDICATORIES.

139. Any judicatory deeming itself aggrieved by the action of any other judicatory of the same rank, may present a memorial to the judicatory immediately superior to the judicatory charged with the grievance and to which the latter judicatory is subject, after the manner prescribed in the sub-chapter on Complaints (Sections 84–93, Book of Discipline), save only that with regard to the limitation of time, notice of said memorial shall be lodged with the stated clerks, both of the judicatory charged with the grievance and of its next superior judicatory, within one year from the commission of the said alleged grievance.

140. When any judicatory deems itself aggrieved by another judicatory and determines to present a memorial as provided for in the preceding section, it shall appoint a committee to conduct the case in all its stages, in whatever judicatory, until the final issues be reached.

141. The judicatory with which the memorial is lodged, if it sustain the same, may reverse in whole or in part the matter of grievance, and shall direct the lower judicatory how to dispose of the case, and may enforce its orders. Either party may appeal to the next higher judicatory, except as limited by Chapter xi, Section iv, of the Form of Government.

[Note.—See above, Book of Discipline, Sec. 102, No. 3, p. 738.]

PART V.

The Directory for the Worship of God.

Adopted 1788. Amended 1789–1912.

CHAPTER I.

OF THE SANCTIFICATION OF THE LORD'S DAY.

I. It is the duty of every person to remember the Lord's day; and to prepare for it, before its approach. All worldly business should be so ordered, and seasonably laid aside, as that we may not be hindered thereby from sanctifying the Sabbath, as the Holy Scriptures require.

[Note.—See this *Digest*, Confession of Faith, Chap. xxi, Sec. viii, p. 29.]

1. The Assembly petition Congress against carrying and distributing the mails upon the Sabbath.

a. The *Petition* of the General Assembly of the Presbyterian Church in the United States of America, to the honorable the Senate and House of Representatives of the United States, in Congress assembled:

Humbly Sheweth—That your petitioners view with deep regret the infractions of the Lord's day, occasioned by the opening of the mail on that day, and the circumstances accompanying such opening.

A variety of considerations, temporal and spiritual, combine, in the judgment of your petitioners, to produce this regret. The institution of the Sabbath by the Creator and Ruler of the world, whilst it clearly proves his benevolent regard for men, imposes upon them the reasonable obligation of devoting this day to his service. He makes it their duty to rest from the toils and labors of six days, and requires from them that they should statedly assemble together for his worship on the seventh. Both these objects contemplated by the institution of the Sabbath, the opening of the mail on that day and the circumstances accompanying it, do contravene and oppose. They who carry the mail, and they who open it, together with those to whom letters or papers are delivered, under the sanction of civil law, neglect the public worship of God in part or whole. Besides this, the noise and confusion attending the carrying and opening of the mail in post towns too frequently in a most painful manner disturb the devotion of those who prefer their spiritual to their temporal interests. Moreover, the carrying of the mail encourages persons to hire out their carriages on the Lord's day to those who have no fear of God before their eyes, thus adding to the open violation of the day; and to say no more, the brute creatures are made to work on this day over and above the six days, and thus are deprived of the rest to which they are entitled by the authority of God, whilst they are forced to administer to the cupidity of those who forget the truth, that "the righteous man is merciful to his beast."

Your petitioners are the more deeply impressed with the importance of observing the Sabbath, on account of the influence which such observance has in promoting true morality and social happiness.

On this day all classes of men assemble together in the presence of God on terms of perfect equality, for in his presence the ruler is not more important than the ruled, since both meet as sinners needing the exercise of sovereign and free mercy.

On this day they are taught from the Scriptures, the only source of truth, their duty, their interest and their happiness.

On this day they unite according to the direction of God, in prayer for all men—for magistrates as well as subjects—for the nation as well as individuals—for every description of persons.

On this day they manifest the gratitude which they owe to God for benefits received, thanking him for his mercies, and supplicating his grace.

The effects arising from the duties in which they engage, the instruction which they receive, and their assembling together before God, are all calculated to produce such a state of heart and such a line of conduct as directly promote individual and social happiness.

Your petitioners are aware of the plea which is used to justify the infractions of the Sabbath of which we complain. Works of necessity, such as arise out of extraordinary circumstances, or such as are unavoidable for the support and comfort of life, together with works of charity, are admitted to be lawful, for God delighteth in mercy rather than sacrifice.

But your petitioners cannot conceive that the ordinary occupations of life, in ordinary times, or the exercise of charity, require such infractions of the Sabbath as are occasioned by the carrying or opening of the mail on that day. For the cases of sickness, to take one of the strongest and most plausible facts included in the plea of necessity, which are communicated by the mail, are too few, and happen at intervals too long, to justify the habitual breach of the Sabbath. As to the ordinary business of life, any prospect of gain, or fear of loss, cannot be admitted as legitimate causes for disobeying the command of God to keep the Sabbath holy. No one ever yet has suffered, or will suffer, in obeying God, rather than his cupidity, his ambition, or his lusts.

Your petitioners, moreover, feel themselves constrained in their office as rulers in the Church, to exercise the discipline of that Church against those of their members who break the Sabbath in the carrying or opening of the mail on that day. In doing this they are not conscious of any disrespect to the civil authority of the land. They wish to render unto Cæsar the things which are Cæsar's, but must, at every hazard, render unto God the things which are God's. In thus honoring God more than men, they trust their motives will be respected, and their conduct approved.

Your petitioners are the more deeply impressed with the importance of a strict observance of the Sabbath, and the necessity of an alteration in the existing regulations of the post-office, as far as they relate to the Sabbath, from the prospect of a war. As they firmly believe in the special providence of God, and that this providence is exercised according to those principles of truth and equity revealed in the Scriptures, they fear, and have just reason to fear, that the infractions of the Sabbath allowed by civil law will draw down upon our nation the divine displeasure. God honors those who honor him, and casts down those who forget him. Obedience to his will adds dignity to rulers, and enforces subjection in those who are ruled.

From all these considerations which have been given in detail, your petitioners pray for such an alteration in the law relative to the mails, as will prevent the profanation of the Sabbath, which now takes place in conveying and opening the mail. And your petitioners, as in duty bound, will ever pray, etc.

Ordered, That this Petition be signed by the Moderator, and attested by the clerk, and be committed to the Moderator to forward to Congress. —1812, p. 513.

b. Dr. Flinn, to whom was committed the Petition of the last Assembly to the Congress of the United States, on the subject of carrying and opening the mail on the Sabbath, reported that he put the Petition into the hands of Mr. Cheves, a member of the House of Representatives, who afterward informed him that the prayer of the Petition was not granted. —1813, p. 519.

c. In 1814 a Petition on the same subject was prepared, and the Presbyteries directed to take order for circulating the same, and forwarding it to Congress.—1814, p. 566.

[NOTE.—For like action see *Minutes*, 1915, pp. 597, 601.]

d. "We deplore the fact that our government compels Sabbath desecration by its mail service, and we think that church members should not go to the post-office on the Sabbath, or otherwise encourage Sunday mails."—1891, p. 36, C. P.

2. The religious rights of cadets at the U. S. Naval Academy asserted.

Overture No. 6, from the Presbytery of Baltimore, concerning the religious instruction of the cadets at the U. S. Naval Academy. The following answer is recommended:

While accepting the assurances of the officers of the Naval Academy at Annapolis, that religious liberty now prevails among the cadets, under the present rules of the Academy; and while recognizing the comity which ought to exist between the administration of the Academy and our Church, the Assembly urges upon the authorities that no restriction, whether formal or otherwise, be allowed upon the right of the cadets to attend the Presbyterian Church at Annapolis, under the condition at present laid down in the rules of the Academy. The Assembly also recommends to those parents who wish their boys to be under distinctively Presbyterian training, not to fail to assert their parental influence with their sons, and their undoubted rights with the authorities to this end.—1899, p. 52.

II. The whole day is to be kept holy to the Lord, and to be employed in the public and private exercises of religion. Therefore, it is requisite, that there be a holy resting, all the day, from unnecessary labors; and an abstaining from those recreations which may be lawful on other days; and also, as much as possible, from worldly thoughts and conversation.

1. Deliverance on the profanation of the Sabbath. Discipline enjoined.

The Committee to whom was referred the *Overture* respecting the profanation of the Lord's day, presenting the following resolutions, which were adopted, viz.:

1. *Resolved,* That this Assembly regard with pain and deep regret the profanation of the Lord's day, which exists in our country in various forms, and which is calculated in an alarming degree to create a neglect of public worship, a contempt of the authority of Almighty God, a corruption of morals, and eventually to bring down the judgment of God on our land.

2. *Resolved,* That the Assembly repeat the warnings which have been heretofore frequently given on this subject, and do solemnly and earnestly exhort the churches and individuals in their connection to avoid a participation in the guilt of profaning this holy day.

3. *Resolved,* That it be earnestly recommended to the ministers of the Presbyterian churches who have pastoral charges, frequently and solemnly to address their people on the subject of the sanctification of the Lord's day, and to urge its vital importance to our moral, social and civil, as well as religious welfare.

4. *Resolved,* That it be solemnly enjoined on all the Presbyteries and church Sessions in our connection to exercise discipline on their respective members whenever guilty of violating the sanctity of the Sabbath; and that an inquiry should be annually instituted in each Presbytery relative to this subject; and that each pastor should at the earliest opportunity practicable present this subject in all its solemn importance to the Session of the church under his pastoral charge, and invite the coöperation of its members in all proper and prudent measures for the suppression of Sabbath-breaking: and further, that it be recommended to all our ministers and church members when traveling, to give preference to such livery establishments, steamboats, canal boats and other public vehicles as do not violate the law of God and of the land in relation to the Sabbath.—1826, p. 182.

2. The observance of the Sabbath indispensable to the preservation of civil and religious liberty.

1. *Resolved,* That the observance of the Sabbath is indispensable to the preservation of civil and religious liberty, and furnishes the only security for eminent and abiding prosperity, either to the Church or the world.

2. *Resolved,* That the growing desecration of the Sabbath in our country must be speedily arrested and the habits of the community essentially reformed, or the blessings of the Sabbath, civil, social and religious, will soon be irrecoverably lost.

3. *Resolved,* That inasmuch as the work of a general reformation belongs, under God, to the Christian Church, it is the duty of the Church to apply the correction of a firm and efficient discipline to all known violations of the Sabbath on the part of her members.

4. *Resolved,* That inasmuch as ministers of the Gospel must act a conspicuous part in every successful effort to do away the sin of Sabbath-breaking, it is their duty to observe, both in their preaching and their practice, the rule of entire abstinence from all profanation of the Lord's day, studiously avoiding even the appearance of evil.

5. *Resolved,* That in the judgment of this General Assembly, the owners of stock in steamboats, canals, railroads, etc., which are in the habit of

violating the Sabbath, are lending their property and their influence to one of the most widespread, alarming and deplorable systems of Sabbath desecration which now grieves the hearts of the pious, and disgraces the Church of God.

That it be respectfully recommended to the friends of the Lord's day, as soon as possible, to establish such means of public conveyance as shall relieve the friends of the Sabbath from the necessity under which they now labor, of traveling at any time in vehicles which habitually violate that holy day, and thus prevent them from being in any way partakers in other men's sins in this respect.

6. *Resolved*, That the power of the pulpit and the press must be immediately put in requisition on behalf of a dishonored Sabbath, that the magnitude and remedy of the evils which its violation involves may be fully understood by the whole community.

7. *Resolved*, That this Assembly solemnly enjoin it upon the churches under their care to adopt, without delay, all proper measures for accomplishing a general and permanent reformation from the sin of Sabbath-breaking and all its attendant evils.

8. *Resolved*, That a Committee of one from each Synod under the care of this Assembly be now appointed to hold correspondence with ministers and churches, for the purpose of carrying out and applying the leading principles of the foregoing Report and resolutions.—1836, p. 281.

3. For the better observance of the Sabbath.

The Committee to whom was referred *Overture No. 5*, to wit, a Memorial from the Presbytery of Cleveland on the subject of Sabbath mails, having been instructed to report on the general subject of Sabbath desecration, submit the following:

In the deliberate judgment of your Committee, it is an unquestionable fact that, in despite of all which has been said and done to check it, the profanation of the Lord's day is, on the whole, increasing. There are, indeed, some local and cheering exceptions to this remark, which we are happy to acknowledge. As a national sin, however, it steadily gathers strength, and puts on a more unblushing face every year. We hear much of the moral machinery which has been set in motion for the salvation of our country and of the world—of the blessed light of the nineteenth century, and the glory of our free institutions. Too often do we seem to forget that the very institution which is the chief support of liberty, learning and religion, is itself standing in fearful jeopardy. All those whose lot is cast in any of the great centers of business, or on any of the principal avenues of intercommunication, know that what your Committee assert is true. Their own eyes have seen it, their own ears have heard it, and their hearts have bled over it a thousand times. It is, in fact, universally conceded, that the desecration of the Sabbath has become a giant evil, calling loudly for the most efficient measures of reform. Your Committee desire not unnecessarily to publish the faults of the Christian Church. But they are compelled to confess, that in many parts of the country the frequent violation of the Sabbath by ministers of the Gospel, and by other professors of religion, is a serious obstacle in the way of all attempts at radical and permanent reformation. Till the ministry and the Church have purified themselves, all else will be, as it has been, "beating the air." Traveling on the Sabbath, a practice to which the convocation of the highest judicatory of our Church lends its guilty sanction; voluntary participation in enterprises and improvements which are prosecuted at the expense of the Sabbath; the legalized profanation of this holy day by the transmission of the mail on all the principal routes; and the frequent neglect of Church discipline, are among the many causes of the rapid spread of this enormous evil. The bare enumeration of these causes suggests the proper remedy. Resolutions, addresses, conventions, and all the stirring appeals which the subject has called forth, are, by themselves, utterly ineffectual. The leviathan with which we are now contending is not to be so tamed. A more potent corrective must be applied, or we shall become more and more a nation of Sabbath-breakers. The Church undoubtedly possesses the power to cleanse her own garments, and till she has done this, she has no strength to put on for the reformation of others. Having done this, the next step will be to lift up a united voice against all that immoral legislation behind which the sin of Sabbath-breaking now stands entrenched. What has been found true in the "Temperance Reform," will be found true in the "Sabbath Reform." The sanction of law must be removed from every evil which you would frown upon and exterminate. To do this, the public mind must be waked up, and held awake till the combined energy of patriotism and piety is enlisted and pledged for the protection of the Sabbath against every tangible form of profanation and abuse. Your Committee accordingly recommend for your adoption the following resolutions, viz.:

Resolved, That this Assembly regard the prosecution of a journey on any part of the Sabbath, whether by ministers, elders or church members, for the sake of convenience or of avoiding expense, as deserving of special notice and unqualified disapprobation.

Resolved, That this Assembly affectionately urge upon all the judicatories of the Church to take suitable measures for enforcing the wise discipline of the Church against all violations of the Sabbath within their own cognizance and jurisdiction.

Resolved, That it is the duty of the Christian ministry to unite in more concentrated and persevering effort to assert the claims of the Christian Sabbath upon the habitual regard of the whole community.

Resolved, That the Assembly will give its most cordial approbation to any and every wise plan for uniting the sympathies and strength of all evangelical denominations in defense of the Christian Sabbath.

Resolved, That a Committee of nine be appointed to correspond with other evangelical denominations on the subject of measures for promoting a better observance of the Lord's day.

Resolved, That the clerks of this Assembly be requested to cause these resolutions to be officially published and circulated as widely as possible, through the religious press, and that all ministers within our bounds be requested to present them before their respective congregations.—1838, pp. 658, 659, N. S.

[NOTE.—See also *Minutes*, 1840, p. 14; 1843, p. 13; 1846, p. 15, N. S.; 1859, p. 534; 1861, p. 316, O. S., for substantially the same action. Reaffirmed 1872, *Minutes*, p. 71; 1873, p. 564; 1876, p. 70.]

4. Church Sessions enjoined to greater fidelity.

a. *Resolved*, That this Assembly renewedly enjoin upon their Presbyteries and churches the duty of enforcing the discipline of the Church in every case of a violation of the Sabbath.—1828, p. 242.

b. The Committee on Bills and Overtures made a Report on the subject of the Sabbath, which was adopted, and is as follows:

The Assembly are at a loss what to say more than what they have repeatedly said, by way of urging on all our churches and congregations, and the community generally, a better observance of the holy Sabbath. Of its divine origin and authority we have no doubt. Nor can we doubt its indisputable necessity in keeping up the institutions of religion, and promoting the cause of salvation and pure morality. What could we do without the Sabbath? And where, in half a century, will be our glorious civil and religious liberty, if the terrible process of Sabbath desecration be permitted to go on as it has done for the past ten years? Let the history of other nations answer. Let the fearful declarations of God's Word admonish us to anticipate the result. "For the nation and kingdom that will not serve thee shall perish."

While, therefore, we earnestly entreat our fellow-citizens of every class "to remember the sabbath day to keep it holy," the Assembly do hereby, in a special manner, enjoin it upon the church Sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath; and to exercise wholesome discipline on those who, by traveling or other ways, presume to trample upon this sacred institution. And we further enjoin it upon the Presbyteries annually to institute inquiries of the eldership as to the manner in which this injunction has been attended to in their respective churches.—1853, p. 323, N. S.

5. Resolutions on the sanctification of the Sabbath.

Resolved, 1. That, inasmuch as "the sabbath was made for man," by the omniscient God, and is indispensable to our highest social, civil and religious welfare, this General Assembly regards it as not only the duty, but the right and privilege of all men to "remember the sabbath day to keep it holy."

2. That, as the law of the Sabbath is divinely given, without limitation of time, and unrepealed, its claims for our obedience are supreme and perpetual.

3. That, in order to give full power to the Gospel in the salvation of souls, professors of religion, and ministers of the Gospel especially, should carefully sanctify the Lord's day, and give no countenance, directly or indirectly, to its desecration.

4. That the physical and mental, as well as the moral interests of man demand the day of holy rest; and that the entire community should manifest a grateful appreciation of this gift of Heaven, by an unperverted sacred observance of the Christian Sabbath.

5. That, at this time of public strife, of fearful anxiety and suffering, while we are heartily loyal to our government, we should most sincerely deprecate and deplore any unnecessary labor, review or battle on the Lord's day; lest, by disloyalty to God, we dishonor him, incur his fierce

indignation, and, as a sad result, meet with signal defeat to our arms, and terrible calamities to our nation, from him who is the God of battles and of nations, and who honors them that honor him.

6. That it be earnestly requested of all the pastors of our churches, fully to instruct their people as to the duty and importance of carefully sanctifying the entire Sabbath, individually, in the family, and in the community; in order that its healthful instructions, and its holy saving influence, may everywhere permeate the State, the nation and the world.

7. That each pastor and stated supply of our churches be requested, at some time during the present year, to preach especially upon the sanctification of the Christian Sabbath.—1863, pp. 245, 246, N. S.; confirmed, 1873, p. 564.

6. The opening of art galleries on the Sabbath disapproved. Deliverances of former Assemblies reaffirmed.

Resolved, That this General Assembly express their disapproval of the opening on the Sabbath of art galleries, places of recreation and amusement, and all such libraries and reading rooms as by offering secular reading invite men to violate the command of God, that men "remember the sabbath day to keep it holy."—1872, p. 71

[Note.—See also this *Digest*, Form of Government, Chap. xii, Sec. v, Pastoral Letters, 8 and 15, pp. 286, 287; *Digest*, 1886, pp. 294–296 and pp. 322–325.]

This Assembly now reaffirms the deliverances of previous Assemblies, regarding the sacredness of the Sabbath.—1873, p. 564.

7. Traveling on the Sabbath condemned.

Resolved, That this Assembly view with unfeigned sorrow and regret the practice of traveling, by professors of religion and others, on the Sabbath day, and that it considers all such traveling, which is not strictly included in works of necessity and mercy, as a direct violation of the law of God.—1850, p. 482, O. S.; 1874, pp. 79, 80.

8. Duty of all to sanctify the Sabbath. Testimony against its descration by railroads and by recreations.

a. The Report was accepted; the Resolutions recommended by the Committee were adopted; and the whole Report was recommended to the Board of Publication to be printed as a tract. The following are the resolutions as adopted by the Assembly:

Resolved, 1. That it is the duty of all men to sanctify the Sabbath by a holy resting on that day from all worldly cares, avocations, and amusements, and to devote the entire day to the public and private worship of God, and to the duties of religion, according to the precepts and example of our Lord and his apostles.

Resolved, 2. That the observance of the Sabbath is indispensable to the preservation of the knowledge of God, and to the maintenance of vital religion in the Church and the world.

Resolved, 3. That the observance of the Sabbath is, further, of the greatest importance in order to the preservation of civil and religious liberty, and as furnishing the only ground for eminent and abiding national prosperity.

Resolved, 4. That inasmuch as the work of any general moral or religious reformation belongs, under God, to the Christian Church, it is declared to be the solemn duty of all the ministers, ruling elders, and members of our Church to inculcate, respectively, from the pulpit, in the Sabbath school, and in the family, the Scriptural obligation to observe the Sabbath, and always and everywhere to set a proper example in this respect.

Resolved, 5. That, in the judgment of this General Assembly, it is the duty of the owners of stocks in steamboats, railroads, iron works, and other corporate institutions which are in the habit of desecrating the Sabbath, to use all their influence to bring these companies to cease their operations on the Lord's day.

Resolved, 6. That the cry of the eight thousand engineers, on the railroads of the country, for Sabbath rest, as brought out in their convention at St. Louis, and presented in their journal, and their efforts with their companies to secure exemption from the violation of the law of God, and the allotted time for Sabbath rest, religious instruction and worship, meets with a hearty response from this General Assembly; and that we express for them our deep sympathy in their privations, exposures, and trials, and our earnest desire and prayer to God for their success in this direction, and send our earnest remonstrance to all these companies against the practice of running trains on the Lord's day, thereby excluding from these important and responsible positions the Christian men of the country, to the dishonor of religion, and to the endangering of the lives of the traveling portions of the community, by placing this business in the hands of a less moral class of men.

Resolved, 7. That this Assembly invokes the power of the pulpit, and of the religious and secular press of the entire country, in the vindication and enforcement of the sanctity of the Sabbath; that vain excuses for work and travel on the Lord's day be set aside; that the public conscience be aroused; that secular business and secular recreations on the Sabbath be alike discountenanced; and that, with a faith and zeal which is according to knowledge, the friends of religion, morality and civil and social order are everywhere called upon to stand up for the divine law of the Christian Sabbath, and to labor, by precept and example, to secure its proper observance.

Resolved, 8. That this Assembly would solemnly admonish all our people, ministers and laymen, who travel in foreign countries and in remoter parts of our land, not to forget the divine command, "Remember the sabbath day to keep it holy."

Resolved, 9. That this Assembly still further, with the view of securing this important result, enjoin upon all the Presbyteries, at their ensuing meetings, to take such action, and, without delay, to adopt and carry into effect such measures, as, in their judgment, may seem best, in order to the better and more general observance of the Lord's day.—1874, pp. 78, 80.

b. That, inasmuch as, prominent among the forms of Sabbath desecration prevalent in our times, are those to which many railroad and steamboat companies and publishers of Sunday newspapers are addicted, the Assembly earnestly counsel all our people not to be, as owners, managers, or employees of such companies, or as shippers or passengers on the Sabbath, or as publishers or patrons of Sunday newspapers, partakers in the guilt of these flagrant forms of Sabbath-breaking.—1882, pp. 85, 86; 1884, pp. 33, 81.

9. Former deliverances affirmed and enlarged upon.

In answer to Overtures asking the reaffirmation of the teaching of our Standards and of the deliverances of former Assemblies on the subject of the Sabbath, the Assembly reply:

In the opinion of this body the deliverances of previous Assemblies on this subject have been so clear, distinct and decisive, and so often repeated, that it seems as impossible that there could be any misconception of the position of our Church, as that there could be any doubt as to the moral and perpetual obligation of the institution of the Sabbath, in the minds of any of our ministers or people.

Nevertheless, in view of the persistent efforts continually made to undermine the faith of the Church in the divine authority and perpetual claims of the Christian Sabbath, and to introduce among us the continental view of its observance, and in order to strengthen the hands of our whole communion in that maintenance of this divine institution, as our fathers have maintained it, we deem it important again to declare our unswerving conviction of the correctness of the teaching of our Confession of Faith, which says: "So, in his Word, by a positive, moral and perpetual commandment, binding all men in all ages, he hath particularly appointed one day in seven for a Sabbath, to be kept holy unto him." (Chap. xxi, Sec. vii.)

And, also, of our Larger Catechism, which says: "The fourth commandment requireth of all men the sanctifying or keeping holy to God . . . one whole day in seven; which was the seventh from the beginning of the world to the resurrection of Christ, and the first day of the week ever since, and so to continue to the end of the world; which is the Christian Sabbath, and in the New Testament called *The Lord's day*" (Answer 116).

And, also, of the Shorter Catechism, which says: "The Sabbath is to be sanctified by a holy resting all that day, even from such worldly employments and recreations as are lawful on other days and spending the whole time in the public and private exercises of God's worship, except so much as is to be taken up in works of necessity and mercy" (Answer 60).

We do also reaffirm the deliverances of former General Assemblies as to the manner of the proper sanctification of this holy day; and especially enjoin upon all our ministers and members, pastors, and teachers in our Sabbath schools, and upon all those charged in any way with the training of the rising generation, the diligent inculcation of these teachings of our Church, so that our children may be thoroughly furnished, in their minds, against the insidious influences brought to bear upon them to lessen their veneration for the sanctity of this day of holy rest. The Presbyterian Church has uttered, and desires to utter, no uncertain sound in regard to the divine authority and the universal and perpetual obligation of this institution, as promotive of the physical, mental, and moral well-being of man, and so essential to the efficiency of all the means of grace and to the success of the Church of Christ in the earth.

And, to the end that the sacred character of this day may, in every possible way, be kept before the minds of our people, we would further commend, to our ministers and Sabbath-school teachers and superintendents, the more general use of the Scriptural terms Sabbath and Lord's day in the designation of this divine institution.—1876, pp. 70, 71.

10. The divine sanction and obligation of the Sabbath.

a. In answer to a communication from the General Assembly of the Presbyterian Church in the United States:

The Assembly regard with very great sympathy the present extensive revival of interest in the maintenance of our Christian and American Sabbath, and cordially respond to the invitation to Christian coöperation in this great cause, which they have received from their sister Assembly. To this end they invite to the following resolutions the attention of all the Synods, Presbyteries and churches under their care:

Resolved, 1. That, in view of the manifest and indispensable importance of the Sabbath institution to the highest welfare of our own modern nation and people in all their relations, the authoritative announcement of the Sabbath law in the ancient pentateuch is, in itself, one of the most obvious and unanswerable proofs that the Bible and our religion are from God.

Resolved, 2. That, in view both of this divine law and of its evident enduring necessity, the Assembly enjoin on ministers, parents, teachers, employers, and on all Christians under their care, that they practice and teach, as abiding moral duty, the scrupulous observance of the Christian day of rest and worship.

Resolved, 3. That the Assembly address to the young, especially, a warning against that error, which of late has grown so bold and prevalent, by which the moral and abiding substance of indispensable Sabbath duty is speciously confounded with circumstances of Jewish ceremonial, to the destruction, in many minds, of all sense of Christian obligation to keep the fourth commandment.

Resolved, 4. That, in direct opposition to this grave error, the sympathy of this Assembly and of our churches is pledged to every wise endeavor to maintain in our land the unceremonial but reasonable, divine, and lasting authority of our religious rest day.

Resolved, 5. That, while carefully denying to civil law all right to impose, or to meddle with, religious duty, the Assembly uphold the necessity of such legislation as guards the people's day of rest and religion, and heartily commend all earnest and prudent efforts put forth in any community for making such legislation effective.—1879, p. 627.

b. Yet, in view of the great importance of the subject, your Committee are deeply impressed that this Assembly should leave nothing undone which it can do to arouse the Church to do her whole duty in furtherance of this cause. And, in order to this, or, at least, as contributing to it, although your Committee are deeply sensible they may not recommend the best measures, we venture to report the following resolutions for your adoption:

1. The Assembly would affectionately admonish all our people to bear in mind that God has, by positive, moral and perpetual law, designated one day in seven as sacred time—that he "hallowed" the Sabbath, "sanc-

tified it," set it apart from common to sacred purposes. Hence, to use it, or any part of it, for things inconsistent with it as sacred, is sinful.

2. The Assembly earnestly entreat all members and officers of our churches to guard against real violations of the fourth commandment, by performing labor on the Sabbath, under the claim of necessity or mercy, where such claim cannot be sustained by the Word of God.

3. The Assembly would urge upon all under their care to devise liberal things for the dissemination of the principles of the Gospel and sound views of the sacredness of the Sabbath among the German and other populations coming to our shores.

4. That the Assembly do hereby, in a special manner, enjoin it upon church Sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath, and to exercise wholesome discipline when necessary.

5. That we urge it upon our ministers, in the pulpit and in their pastoral labors, to present this subject in season, in all its serious importance, as related to the welfare of the whole people and the glory of God.—1882, p. 85.

11. Reading of secular newspapers on the Sabbath discountenanced.

a. *Resolved,* That the General Assembly, believing that the practice on the part of church members, of reading secular papers on the Sabbath day is alarmingly on the increase; and believing, also, that it is a grievous injury to the personal piety of the readers, and a serious obstacle to the cause of Christ in every community, would deprecate this practice, and would urge upon all who love the Lord Jesus Christ, and desire the spread of his kingdom in the world, to refrain from this practice, and to do all in their power to discountenance it.—1879, p. 627; 1880, p. 76; 1882, p. 84.

b. The buying and selling, advertising in and reading of Sunday newspapers is pernicious from beginning to end; and should cease on the part of all Christians. And all Christians ought to exert their influence, actively, to induce others to abandon the use of the Sunday newspaper entirely.—1892, p. 158; 1896, p. 25.

12. The value and necessity of Sabbath observance.

a. The Special Committee on Sabbath Observance presented their Report, which was accepted, and is as follows:

The question of Sabbath observance, always important, has rapidly increased in interest in recent years; and the duty of the Church in relation to it has become more difficult, because more complicated. No special class is alone responsible for the increased desecration of the Sabbath. Some occupations are, no doubt, more than others. But love of gain, ambitious competition, and love of pleasure, wherever they can, are pressing the people into error in this respect. If there are railroad, steamboat, or other corporations willing to transport freight or passengers, there are shippers willing to furnish the freight, and passengers willing to travel, on the Lord's day. If these corporations or private parties are willing to furnish conveyance for excursions, there are people willing to travel on excursions. If there are corporations or individuals willing to pay for common labor performed on the Sabbath, there are those who will accept the pay and perform the work. If there are persons willing to publish newspapers on the Sabbath, there is a large number willing to buy and read them. If they could not be sold, they would not be printed. Thus all through society. Sabbath desecration, as it comes to the attention of this Assembly, is almost wholly a social sin. There are two parties guilty—the one tempting, and the one yielding to temptation. Or they mutually tempt and yield to each other's temptation. This dual character of Sabbath-breaking, of course, does not lessen the sin by division, but increases the number of the guilty.—1882, p. 84.

b. *Resolved,* That this Assembly, reiterating the deliverances of former Assemblies on the subject of Sabbath desecration, declares its most emphatic condemnation of Sunday newspapers, and pleads that our people wholly abstain from their use, and warns all Christian business men against advertising in them their secular business. And it is enjoined upon our pastors and Sessions to see that the pulpits of our Church bear no uncertain voice in the matter.—1886, p. 114.

13. American Sabbath Union.

[Note.—For initial and repeated action of the General Assembly in relation to the American Sabbath Union, see *Digest* of 1907, pp. 817, 818.]

14. The Columbian Exposition.

[Note.—For action of the General Assembly in relation to the closing of the Columbian Exposition on the Sabbath Day, see *Digest* of 1907, pp. 818, 819.]

15. The divine authority and universal and perpetual obligation of the Sabbath. National Sabbath societies.

[Note.—For additional deliverances on the divine authority and universal and perpetual obligation of the Sabbath, and for endorsement of National Sabbath Societies, see *Digest* of 1907, pp. 819, 821.]

16. Decoration of soldiers' graves upon the Sabbath disapproved.

Resolved, That while this Assembly sympathize most heartily with the noble and touching tribute to be paid to the memory of our buried soldiers whose lives were sacrificed in the cause of the Union, as, under the auspices of the Grand Army of the Republic, their graves are to be decorated with floral offerings, yet we enter our most earnest protest against the proposed unnecessary desecration of the Sabbath for this purpose; and urgently request the proper authorities to appoint the next Saturday as the time for this interesting ceremony.—1869, p. 259, N. S.

[Note.—A committee was appointed by each of the Assemblies, O. S. and N. S., then meeting in New York (1869, p. 259, N. S.; p. 900 O. S.); to confer with the authorities of the Grand Army. The parade took place on Monday.]

17. The Committee on Sabbath Observance.

[Note.—This Committee was appointed by the General Assembly of 1888, in response to a communication of the General Conference of the Methodist Episcopal Church, and was and is a part of the American Sabbath Union, organized at Washington, D. C., in December, 1888. The Committee has been annually appointed from 1889 forward, and selected resolutions from its Reports to the Assembly since 1898 are given below. Its first chairman was Eliot F. Shepard, Esq.]

[Note.—In 1923, at the time of the Reorganization and Consolidation of the Boards and Agencies of the Church, the Department of Moral Welfare was directed to take over and carry forward the work of the Committee on Sabbath Observance. 1923, p. 139.

In 1924, the General Assembly authorized a close coöperation between the Department of Moral Welfare of the Board of Christian Education and the Lord's Day Alliance of the United States, and directed that five persons be elected annually by the Board to represent it on the Board of Managers of the Lord's Day Alliance of the United States, in order to provide for this coöperation. 1924, p. 128.] See C. of F., Chap. xxxi, Sec. iv, pp. 57, 60, this *Digest.*

18. Methods for Sabbath observance commended.

a. That the Christian Sabbath will be saved or lost to the Christian world by the action and influence of the members of the Christian Church. We do, therefore, most earnestly enjoin the ministers, elders, and members of the Presbyterian Church in the United States of America to a renewed diligence and faithfulness, by both precept and example, for the preservation of the sacred character of the Christian Sabbath days:—

By an active use of the day in Christian work.

By abstaining from the more popular and therefore more dangerous forms of Sabbath desecration, such as the purchase and reading of the Sunday newspapers, advertising in the Sunday newspapers, and from all forms of excursions, sports, games, and amusements on the Lord's day, and also all unnecessary secular work by ourselves and our employees; all unnecessary traveling and visiting, and from all things that are opposed to the spirit and purpose of this day as defined in the Word of God.—1900, p. 32.

b. That the General Assembly urges on all families not to buy anything on the Sabbath, and during the week to give the preference to those shops which close on the Lord's day; to plan for their servants on the Sabbath and help them to fulfill their religious duties, and to pay laborers on Friday so that they may have Saturday to make provision for the Sabbath.—1906, p. 50.

19. Action as to Sabbath closing of public expositions.

a. *Resolved,* That we most earnestly recommend to the directors of the Trans-Mississippi Exposition, to be opened at Omaha, Neb., on June 1, immediately to decide that its doors shall not be opened to the public on the Lord's day, and that a certified copy of this resolution, properly authenticated by the signature of the Stated Clerk, shall be entrusted to the Sabbath Observance Committee for presentation to said directors.—1898, p. 42.

b. *Resolved,* That we heartily commend President McKinley and Secretary of State Hon. John Hay for the instructions sent to Commissioner-General Ferdinand W. Peck and Ambassador Gen. Horace Porter to close the United States Pavilion and offices at the Paris Exposition on the Lord's day, and to endeavor to secure concerted action of the American exhibitors to the same end; while we deprecate the action of the French authorities which has denied to the American section of the American exhibitors the right to close their exhibits on the Lord's day, and have consented to the closing of the United States Pavilion only, which is distinctively the property of the United States Government.

c. *Resolved,* That we respectfully request the United States Congress and all State Legislatures to make no more appropriations for expositions to be held in this or any other country without the proviso that such expositions shall be closed on the Lord's day.—1900, p. 32.

d. *Resolved,* That the General Assembly of the Presbyterian Church in the U. S. A., now in session in the city of Philadelphia, profoundly deprecates the fact that the Directors of the Pan-American Exposition at Buffalo have seen fit to open the gates of said Exposition to visitors from 1 to 11 o'clock P. M. each Lord's day, and does hereby express its solemn and earnest protest against said action as opposed to the best traditions and interests of American institutions and civilization; and that we, the members of this Assembly, do most earnestly urge upon this Board of Directors that they reconsider their action that thus opened these gates on the Lord's day, and that from this date they shall close said gates to visitors all the hours of each Lord's day during the continuance of this Exposition.—1901, p. 30.

e. *Resolved,* That we heartily commend the United States Congress for conditioning the appropriation of five millions of dollars to the Louisiana Purchase Exposition, to be held in the city of St. Louis, in the year 1903, by the following amendment to said bill:

"That as a condition precedent to the payment of this appropriation the directors shall contract to close the gates to visitors on Sundays during the whole duration of the Fair."—1901, p. 30.

20. Discontinuance of Sunday excursions urged.

Resolved, That we most respectfully but earnestly request all officers of public transportation companies to seriously consider the subject of Sunday excursions, to the end that they may be discontinued, in the interest of labor, morals, and religion.—1902, p. 109.

21. Political conferences on Sunday condemned.

Resolved, That we deprecate political conferences on the Lord's day, a practice which has become a great and growing evil in this Republic, and which has led in some recent campaigns to public political meetings on this day.—1902, p. 109.

22. Employers of labor to secure minimum of Sunday labor.

That we affirm the inalienable right of every man to rest from labor on the Sabbath day, or the day commonly called Sunday, and therefore earnestly request all railroad companies, and all directors of corporations of whatever character, and all individual employers of labor, to so direct their corporations and business enterprises as to secure the minimum of labor and the maximum of rest on the Lord's day.—1901, p. 30.

23. Sabbath-school lesson to be prepared on Sabbath observance.

That the Board of Publication and Sabbath School Work be requested to prepare a lesson specifically on Sabbath observance, and that our Sabbath-school superintendents be requested to use the same on review day, September 25 next, or, if more convenient, upon one Sabbath in the month of October.—1898, p. 42.

24. Sabbath Observance Committees to be organized in Presbyteries and Synods.

a. That the General Assembly recommends that a Sabbath Observance Committee be organized in each Presbytery, to coöperate with similar

Committees of the other denominations within its bounds in aiding the work of local Sabbath Associations; and where such organizations do not exist, to promote the formation of such associations in connection with the national organization, the American Sabbath Union, and the Woman's National Sabbath Alliance.—1905, p. 21.

b. That the General Assembly recommends that a Sabbath Observance Committee be organized in each Synod, of which the chairman of each Presbytery's Committee on Sabbath Observance shall be at least a corresponding member, and that the Synod's Committee shall coöperate with the State Sabbath Associations.—1905, p. 21.

III. Let the provisions for the support of the family on that day, be so ordered, that servants or others be not improperly detained from the public worship of God; nor hindered from sanctifying the Sabbath.

IV. Let every person and family, in the morning, by secret and private prayer, for themselves and others, especially for the assistance of God to their minister, and for a blessing upon his ministry; by reading the Scriptures, and by holy meditation; prepare for communion with God in his public ordinances.

V. Let the people be careful to assemble at the appointed time; that, being all present at the beginning, they may unite, with one heart, in all the parts of public worship; and let none unnecessarily depart, till after the blessing be pronounced.

VI. Let the time after the solemn services of the congregation in public are over, be spent in reading; meditation; repeating of sermons; cathechising; religious conversation; prayer for a blessing upon the public ordinances; the singing of psalms, hymns, or spiritual songs; visiting the sick, relieving the poor; and in performing such like duties of piety, charity, and mercy.

1. Instruction in the Holy Scripture.

Resolved, 1. That it be recommended, and it is hereby recommended, earnestly to the ministers and Sessions which are in connection with the General Assembly, to pay especial attention to this subject, and provide without delay for the stated instruction of the children and youth in the sacred Scriptures within their respective congregations.

Resolved, 2. That although the particular manner of instruction and recitation in the congregations ought to be left to the discretion of their ministers and Sessions respectively; yet as some degree of uniformity is desirable in a business of so much magnitude, it is recommended as the most effectual means of promoting the knowledge of the Holy Scriptures, that in all our churches, classes be formed of the youth to recite the Scriptures in regular order; that the recitations, if convenient, be as often as once a week, and from two to five chapters appointed for each recitation; that the youth be examined on,

(1) The history of the world, but more especially of the Church of God, and of the heathen nations who were God's agents in accomplishing his purposes toward his Church.

(2) Persons noted for their piety or ungodliness, and the effects of their example in promoting or injuring the best interests of mankind.

(3) Doctrines and precepts, or "what man is to believe concerning God, and what duty God requires of man."

(4) Positive ordinances, or the directions which God has given as to the way in which he is to be worshiped acceptably.

(5) The particular features of character of which the Spirit of God has given notice, both in wicked and good persons; in the last particularly regarding those who were types of Christ, and in what the typical resemblance consisted.

(6) The gradual increase from time to time of information concerning the doctrines contained in the Scriptures; noting the admirable adaptation of every new revelation of doctrine to the increased maturity of the Church. The nature of God's law, its immutability, as constituting an everlasting rule of right and wrong, the full and perfect illustration of its precepts given by Christ.

(7) The change which God has made from time to time in the positive ordinances, together with the reasons of that change. The difference between the moral law, and those laws which are positive.

(8) The illustrations of the divine perfections in the history, biography, doctrines and precepts, together with the positive ordinances of the Scriptures.

(9) The practical lessons to regulate our conduct in the various relations of life.

On all these particulars the meaning of the words used in Scripture must be ascertained, and thus we may understand what we read.

Resolved, 3. That the Presbyteries under the care of the Assembly be directed to take order on this subject, and they are hereby informed that this is not to come in the place of learning the Catechism of our Church, but to be added to it, as an important branch of religious education.—1816, p. 627.

2. On Sabbath schools and instruction of the young.

a. In all parts of the Church, Sunday schools are established, and there is but one sentiment respecting them. The Assembly consider them as among the most useful and blessed institutions of the present day. They have a most extensive reforming influence. They apply a powerful corrective to the most inaccessible portions of the community. They begin moral education at the right time, in the best manner, and under the most promising circumstances. They act indirectly, but most powerfully, upon teachers and parents, and frequently become the means of bringing them to the church, and to the knowledge and love of the truth. Sunday schools are highly useful everywhere; but they are peculiarly adapted to new and destitute regions of the Church. The plan is simple and easily accomplished. It requires comparatively little knowledge and experience to conduct them with ability. Very much good has been accomplished by the instrumentality of young ladies and gentlemen. The pleasing scene is often witnessed in some of our new settlements, of large meetings of children on the Lord's day, in schoolhouses, or beneath the shade of the original forest. The voice of praise and prayer is heard, and the Word of the living God is proclaimed, amid the most beautiful works of his hand.—1824, p. 129.

b. *Resolved,* That the General Assembly do cordially approve of the design and operations of the American Sunday-school Union; and they do earnestly recommend to all ministers and churches under their care to employ their vigorous and continued exertions in the establishment and support of Sabbath schools.—1826, p. 181.

c. *Resolved,* 1. That the Assembly regard the religious education of youth as a subject of vital importance, identified with the most precious interests and hopes of the Christian Church.

2. That the present indications of divine providence are such as imperiously to demand of the Christian community unusual effort to train up the rising generation in the nurture and admonition of the Lord.

3. That the Board of Missions be and hereby are instructed to enjoin it on their missionaries sedulously to attend to the religious education of the young; and particularly that they use all practical efforts to establish Sabbath schools; and to extend and perpetuate the blessings of Sabbath-school instruction.

4. That the system of Sabbath-school instruction, now in prevalent and cheering operation, be and hereby is most earnestly recommended to the attention of the pastors and Sessions of all our churches.

5. That the Presbyteries be and hereby are enjoined to make the progress of the Sabbath-school cause within their bounds the subject of special inquiry, and annually to transmit the results of such inquiry to the General Assembly.

6. That inasmuch as the advantages of the Sabbath school may, in some cases, be the occasion of remissness in the important duty of family instruction, it be and hereby is earnestly recommended to heads of families not to relax in their personal religious efforts at home, and in the domestic circle; but that they abound more and more in the use of all appropriate means, to promote sound knowledge and experimental piety, in every member of their households.

7. That as there is reason to apprehend that the Catechisms of this Church have not, in some parts of our Zion, received that measure of attention to which their excellence entitles them, it be and hereby is recommended to pastors, Sessions, heads of families, superintendents of Sabbath schools, and all charged with the education of youth, in our connection, to give these admirable summaries of Christian truth and duty a prominent place in their instructions to the youth and children under their care.

8. That it be and hereby is recommended to the pastors and Sessions of our churches to make themselves acquainted with the system of infant-school instruction, now in happy progress in many places, and if practicable to establish such schools in their congregations.—1830, pp. 303, 304.

3. Pastoral Letter on Sabbath schools.

The Committee appointed to prepare a Pastoral Letter presented their Report, which was adopted, viz.:

The General Assembly of the Presbyterian Church in the United States of America, greeting, to the Sessions of the churches, and through them to the parents and Sabbath-school teachers in our connection:

As ministers and ruling elders representing the Presbyteries and churches, and met in the highest judicatory of our Church, we address to you, as coworkers with us, this Pastoral Letter.

We address you in behalf of the vast crowds of children springing into life and rapidly rising into manhood and womanhood, than which no more affecting vision looms up to the view of the Christian and the Christian Church.

Grave questions force themselves upon us as to these: What is to be their aim? What is to be their character? What is to be their destiny? What duty is each of us called to in reference to the rising race? In the language of Manoah concerning his son, who was to be the avenger of Israel, "How shall we order the child, and how shall we do unto him?"

As Samson, his son, was to go forth, after suitable training, in the prowess of his physical strength to compete with the enemies of Israel, so are the children under our training to go forth to the great spiritual conflict. How, then, shall they be ordered? how trained as Christian athletes, to be able to burst asunder the green withes and the new ropes with which sin would bind them, and to push down the pillars of Dagon's temple? Not only are they to be trained to stand firm when assaulted with temptations, but to make onslaughts upon the powers of darkness.

In view of the seductive influence of much of our modern literature on the one hand, and the facilities for effecting good by well-aimed efforts on the other, the children are to be taught, not only to use defensive armor, but to employ the weapons which are mighty through God to the pulling down of strongholds.

Are the lives of our children to be a failure, and worse than a failure? or are they to be examples of virtue and piety, in whose light others shall walk in the path of life?

Among the instrumentalities to lead our children to safety and usefulness we recognize the Sabbath school as occupying a position of very high prominence. But the value of the Sabbath school depends upon the kind of instruction imparted.

We concede that the International Sabbath-school system recently inaugurated is one of great excellence, and the blessings flowing from its introduction, we trust, will be many and substantial. But it is our hope and expectation to engraft upon it still better scions, that shall yield richer and better fruit. We are already, as many of you know, sending forth helps, through our Board of Publication, which weave into the lessons the Shorter Catechism, suggested, illustrated and enforced by the passages of Scripture forming the basis of these lessons. We have recommended to the Board "to incorporate into its system of lesson papers and question books brief expositions of the answers of the Shorter Catechism."

We feel constrained, therefore, to exhort you affectionately to have introduced, if it has not been done, into the Sabbath schools the question books and lesson papers published by our own Board of Publication rather than to depend upon helps from sources less decided for the truth. We affectionately exhort that the Shorter Catechism be used in all our Sabbath schools, that parents assist the teachers in encouraging their children to commit the same to memory, and that teachers make these young disciples familiar, not only with the tried and eminently rich doctrines and important duties taught in our Standards, but with our Form bath-school teacher. The obligations of parents are intransferable. The teacher is not the parent's substitute, but his helper; and it is equally the duty of the parent to superintend the instruction of his family as though there were no such thing as a Sabbath school.—1840, p. 310, O. S.; 1877, p. 516.

6. Relation of the Sabbath school to the Session.

a. These schools should always be under the direction of the pastor and Session, and they should see to it that our Catechisms constitute, in all cases, a part of the regular course of instruction.—1840, p. 310, O. S.; 1877, p. 516.

b. The Sabbath school—like all the religious institutions and agencies of each individual church—is and ought to be under the watch and care of the Session, and should be regarded not as superseding but as coöperating with the entire system of pastoral instruction, the responsibilities of which it should not in any manner diminish.—1863, p. 241, N. S.; 1877, p. 516.

c. The Assembly resumed the unfinished business, being the consideration of the Report of the Committee on Sunday schools, which was amended, adopted, and is as follows:

Resolved, 1. That it belongs emphatically to the pastor and elders of each congregation to direct and supervise the whole work of the spiritual training of the young, and that it is an important part of the functions of their office both to encourage parents to fidelity in bringing up their children in the nurture and admonition of the Lord, and also to secure the coöperation of all the competent members of the Church in the religious education of all the children and youth to whom they can gain access

2. That great attention ought to be paid to the work of inculcating lessons from the sacred Scriptures, and of fixing in the memory the Catechisms of our Church both as to its doctrine and polity; and still further, of combining all the schools of a congregation in united worship as far as possible, and especially of leading them to Jesus in the exercise of a living faith and continued reliance on the Holy Spirit.

3. That to the above end we would further recommend to the pastors that they adapt, wherever practicable, the second discourse of every Sabbath particularly to the young of their flock; thus affording to this, the most susceptible and hopeful portion of their fields, at least one-half of their time and labor, and giving their children distinctly to feel that they have a place, no less in the sanctuary than in the Sunday school, both for worship and instruction.

4. That church Sessions be required to furnish in their statistical Reports a full account of the number of Sunday school scholars and teachers in their respective congregations, to be embodied in the Assembly's *Minutes*.

5. That a Permanent Committee of the Assembly be appointed, whose duty it shall be to take charge of this great interest, and to report whatever may quicken and stimulate the Church in its duty of training the young according to the Word of God.

6. That this General Assembly earnestly recommend to the pastors of the churches within its bounds to present before their congregations, in

one or more discourses, the relation of baptized children to the Church, and the reciprocal duties between parents and children growing out of this relation, as defined in the Word of God and declared in the doctrines of our Church.

7. That it is exceedingly desirable that the entire congregation, old and young, be permanently connected with the Sunday school either as scholars or teachers.—1864, pp. 507, 508, N. S.; reaffirmed, 1877, p. 516.

d. The Committee to whom were referred certain resolutions on the subject of Sabbath schools would respectfully report the following Minute:

The Sabbath school, in its original design, as it lay in the mind of its founder, was simply a means of imparting instruction to the children of the poor. While that great purpose should never be lost sight of, yet the institution has grown to be an important auxiliary to the Church in the instruction and religious culture of her children. As such, it naturally comes under the direction of the pastor and Session of each church, and they should ever be recognized as its proper guardians and supervisors. They have no more right to relinquish this solemn responsibility than they have to give up the care and discipline and instruction of the church. He who said to his apostle, "Feed my sheep," said also, "Feed my lambs." With this obvious fact of the responsibility of pastors for the children of their churches, the General Assembly does hereby set forth the following principles as guides to pastors and Sessions in fulfilling their duties in respect to the Sabbath-school work.

1. The pastoral office involves the practical supervision of the Sabbath school. The pastor should frequently, if not constantly, be present to counsel and aid those who may under him be engaged in the work of instruction.

2. While the Holy Bible is the great textbook of the Sabbath school, it is eminently fitting that the summary of Christian doctrine as contained in our admirable Shorter Catechism should also be taught, and that a lesson therefrom should be recited at least once a month, and that at least once in a quarter the pastor himself should examine the whole school therein, adding thereto such explanations and illustrations as may to him seem proper.

3. The books of the Sabbath-school library should be wholly subject to the supervision of the pastor and ruling elders, and no work, except it be published by our Board of Publication, shall be admitted, which they have not approved. In this examination care should be taken that no book receives their sanction which might give the minds of children a bias unfavorable to the order, doctrine and practices of our Church, or which might beget a taste for frivolous literature, or which does not impart some weighty truth or important information.

4. In addition to the exercises of the Sabbath school, every pastor should hold frequent meetings, especially for the children, in which the addresses and services are adapted to their intellectual capacities and wants.

5. Presbyteries are hereby enjoined, in their annual inquiry into the state of the churches within their bounds, to ascertain whether these principles are adhered to, and how far they are carried into practice.

6. The Assembly furthermore recognizes the importance of securing for those engaged in the work of Sabbath-school instruction all the aids

that may have been prepared either in our own country or abroad, whether in illustration or explanation of the doctrines of the Word of God, or in reference to the conduct and discipline of the Church, or in regard to the best methods of securing its prosperity and largest success. For this purpose the Board of Publication is directed to add to their list of works all such helps to Sabbath-school instruction as may be found valuable and useful, either by the republication of standard foreign works, or the issue of those which may be obtained from authors at home, and to procure for the use of pastors and teachers, at their request, such works published by other societies or establishments as may be valuable auxiliaries in the great work of the Sabbath school.

7. It should be the aim of all engaged in the religious culture of the young, whether parents or guardians, or pastors and teachers, to counteract, as far as possible, the tendencies of the age to unhealthy excitements, to a vapid and enervating literature, which only enfeebles and demoralizes the mind, and often corrupts the heart; to induce the youth under their care to seek for sound and wholesome doctrine; to correct their taste; to beget in them a love for those noble and substantial works which were the food on which our fathers fed, and by which they grew into a strength and greatness which has made them ever after to be remembered.—1867, p. 351, O. S.; confirmed, 1877, p. 516.

e. We again call the attention of our Sabbath schools to the deliverances of former General Assemblies, which refer the supervision of their work, the selection of officers and teachers, the direction of the benevolence, and the general conduct of the school to the Session of the church.—1885, p. 627.

f. We recommend that this General Assembly emphasizes to the Presbyteries, and through them to the congregations, the fact that all Sabbath schools should be under the care of the church Sessions, and that the Sessions should assume and maintain the control of the schools.—1889, p. 46, C. P.

7. Superintendents to be appointed or approved by Session.

a. In all of our Sabbath schools superintendents should be chosen or appointed, subject to the approval of the Session.—1878, p. 26.

b. The Assembly earnestly recommends the Sessions of all our churches, in the exercise of their right, to appoint the superintendent and maintain a careful and authoritative supervision of all the Sabbath-school work of their congregations and mission enterprises.—1882, p. 49.

8. Teachers to be approved by Session.

The selection of teachers belongs to the Session of the church.—1885, p. 627.

9. Primary instruction to be given.

It is recommended to the pastors and Sessions of our churches to make themselves acquainted with the system of infant-school instruction, and to establish such schools in their congregations.—1830, p. 303.

10. The Shorter Catechism to be taught in the schools.

The use of the Catechism in the religious instruction of the young, and of the children under the care of the church, is affectionately and earnestly recommended to the Sessions, as the most effectual means, under God, of preserving the purity, peace and unity of the Church.—1832, p. 372.

The pastors and Sessions should see to it that in congregations where the Shorter Catechism is neglected, it be introduced and used with due prominence.—1878, pp. 25, 26.

The Assembly earnestly recommends the systematic study of the Shorter Catechism in all the Sabbath schools.—1891, p. 129.

11. The schools to be supported by the churches.

Many of our schools are left by the particular churches to which they belong without any proper provision for their support. The schools are left to provide the funds for their current expenses; and the intelligent interest and affection of the children are centred in self-care. No more should parents expect their little children to pay for their own bread, clothes and schoolbooks than should the church expect them to bear the expense of their instruction in the Sabbath school.—1895, p. 88.

12. Sessions to supervise the contributions of the schools.

a. That pastors and Sessions be urgently requested to maintain a careful supervision of the objects for which collections are made in the Sabbath schools, and to secure their contribution to our own benevolent causes.—1882, p. 48. (See D. for Wor. Chap. vi, Sec. iv.)

b. The Presbyterian Church should "make the Sabbath school a training school in methods and objects of Christian benevolence, to the end that our young people may understand the work and love the great Boards of our Church—not part, but all of them.—1895, p. 88.

13. Children's Day commended.

The General Assembly notices with approval the observance by our churches and Sabbath schools of the second Sabbath of June, designated as "Children's Day," and emphasizes the importance of seeking the presence and power of the Holy Spirit in these services, that they may not be simply attractive, but profitable, contributing to the conversion and Christian nurture of the young.—1885, p. 626. See this *Digest*, p. 841.

14. Presbyterian lesson helps to be used.

There is nothing now in the complaint, so often heard in former years, that Presbyterian lesson helps are too expensive. A careful comparison with the price of "helps" published by the leading houses in this business, shows that our Board is furnishing better goods for less cost; and if this were not enough, it is giving free of all cost supplies to needy schools. There is no shadow of justification, or even excuse, for patronizing irresponsible concerns whose supplies would be dear at any price.—1895, p. 88.

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15. Loyalty to our own Sabbath-school agencies recommended.

There is no force in the plea for non-denominational work as being better adapted to reach the masses. People will love the agency that cares for them; they will love the Presbyterian Church, and come into it gladly, if the Presbyterian Church proves that she loves them and seeks their good. So we urge our people to stand loyally by their own Church agency for this work, and to give what they have for this cause, through our own Board.—1895, p. 88.

16. Standing Committees of Presbyteries and Synods on Sabbath-school Work.

The Assembly recommends that a Standing Committee on Sabbath schools be appointed by each Presbytery and Synod for the purpose of holding Sabbath-school institutes, stimulating normal classes, guarding against the intrusion of outside lesson helps, purifying the literature of Sabbath-school libraries, and to obtain statistics for the use of the secretary of this department.—1882, p. 48.

17. Systematic Bible study by the whole congregation.

1. Pastors and Sessions are urged to put forth practical and persistent efforts to enlist their entire congregations in systematic Bible study and teaching in connection with the Sabbath school.

2. The General Assembly again emphasizes the duty of church Sessions to exercise supervision over their Sabbath schools, especially in the choice of officers and teachers.

3. In the judgment of the General Assembly, greater prominence should be given in Sabbath-school contributions to the causes represented by our Boards, that the scholars may be educated intelligently to contribute to each always, and especially remembering the Sabbath-school Missionary Department of the Board of Publication.—1883, p. 616.

CHAPTER II.

OF THE ASSEMBLING OF THE CONGREGATION AND THEIR BEHAVIOR DURING DIVINE SERVICE.

I. When the time appointed for public worship is come, let the people enter the church, and take their seats in a decent, grave, and reverent manner.

II. In time of public worship, let all the people attend with gravity and reverence; forbearing to read anything, except what the minister is then reading or citing; abstaining from all whisperings; from salutations of persons present, or coming in; and from gazing about, sleeping, smiling, and all other indecent behavior.

1. Posture in public prayer.

a. On an *Overture* from the Presbytery of Philadelphia, asking the Assembly to adopt measures for arresting or abating the growing evil of sitting in public prayer, the Assembly took action, viz.:

While the posture of standing in public prayer, and that of kneeling in private prayer, are indicated by examples in Scripture, and the general practice of the ancient Christian Church, the posture of sitting in public prayer, is nowhere mentioned, and by no usage allowed; but, on the contrary, was universally regarded by the early Church as heathenish and irreverent, and is still, even in the customs of modern and Western nations, an attitude obviously wanting in the due expression of reverence; therefore this General Assembly

Resolved, That the practice in question be considered grievously improper, whenever the infirmities of the worshiper do not render it necessary; and that ministers be required to reprove it with earnest and persevering admonition.—1849, p. 255, O. S.

b. Reaffirmed by the Assembly of 1857, p. 38, O. S.

c. An *Overture* from the Presbytery of Michigan in relation to posture in prayer and praise, with the answer that action is inexpedient, which was adopted.—1870, p. 28.

[Note.—See *Minutes*, 1854, p. 509, N. S.]

CHAPTER III.

OF THE PUBLIC READING OF THE HOLY SCRIPTURES.

I. The reading of the Holy Scriptures, in the congregation, is a part of the public worship of God, and ought to be performed by the ministers and teachers.

II. The Holy Scriptures of the Old and New Testament shall be publicly read, from the most approved translation, in the vulgar tongue, that all may hear and understand.

[Note.—See this *Digest*, Vol. I, Confession of Faith, Chap. i, Sec. viii, p. 12; also Chap. xxi.]

THE REVISED VERSION.

1. The Assembly expresses neither approval nor disapproval.

Overture from the Presbytery of Dayton, asking that the Assembly commend the use of the Revised Version of the Scriptures, and from the Synod of Baltimore, on the same subject.

We recommend answer as follows: The Revised Version, however valuable it may be as a help in the study of the Scriptures, is still upon its trial among English-speaking people. Therefore the time has not arrived for the Assembly to express approval or disapproval. Meanwhile we call the attention of ministers and Sessions to Chap. iii, Sec. ii, of the Directory for Worship.—1887, p. 82.

2. Inexpedient to authorize its use in public worship.

Overture from the Synod of Baltimore, and from the Presbytery of Dayton, the former asking whether the use of the Revised Version of the Holy Scriptures in public worship is consistent with Chap. iii, Sec. ii, of the Directory for Worship; and the latter asking the Assembly to allow the use of the Revised Version in the public services of the sanctuary, with a view to removing an occasion of complaint in some churches.

It is recommended that in the present unsettled condition of opinion regarding the Revised Version of the Sacred Scriptures, it be deemed inexpedient for the General Assembly to authorize its use in the public worship of the sanctuary.—1888, p. 72.

3. Inexpedient to direct its use in public worship.

Orerture from the Presbytery of Dayton, as follows: "The Presbytery of Dayton, being persuaded that good could be done by the more general use of the 'Revised Version of the Scriptures' in the services of the sanctuary, because of the light it throws on God's truth, respectfully overtures the General Assembly to commend its use by the ministry and teachers in our Sabbath schools, and thus relieve the minds of such as, from scruples of conscience, refrain from the use of it, because its use has not been formally sanctioned by the General Assembly." The Committee answer, that while in the present unsettled condition of opinion regarding the Revised Version of the Scriptures, the Assembly deems it inexpedient to direct its use in the public worship of God, its action must not be construed as intending to detract from the value of the Revised Version, or to express any want of confidence in it. The Assembly feels assured that the recent revision will, if found worthy, establish its value in the estimation of the people of God, and that the sanction of the Assembly is not needful. —1889, p. 80.

4. No official sanction of its use necessary.

Overture from the Presbytery of Los Angeles, asking the sanction of the Assembly on the use of the Revised Version of the Scriptures in public worship.

Recommended, That in view of the liberty already received no official sanction is necessary.—1892, p. 178.

5. Appointment of commission declined.

In answer to Overtures asking the General Assembly of 1887 to commend the use of the Revised Version of the Holy Scriptures, the Assembly replied as follows:

"That, however valuable it may be as a help in the study of the Scriptures, it is still upon its trial among English-speaking people; therefore the time has not arrived for the Assembly to express approval or disapproval. Meanwhile, we call the attention of ministers and Sessions to Chap. iii, Sec. ii, of the Directory for Worship." (*Minutes*, General Assembly, 1887, p. 82.)

Directory for Worship, Chap. iii, Sec. ii, reads as follows:

"The Holy Scriptures of the Old and New Testament, shall be publicly read, from the most approved translation, in the vulgar tongue, that all may hear and understand."

And Sec. iii says, the minister "may, when he thinks it expedient, expound any part of what is read."

As our Directory for Worship authorizes our ministers in reading "the most approved translation, in the vulgar tongue," to "expound any part of what is read," and as it is not probable that the Authorized Version of the Holy Scriptures will be displaced by any New Version in this generation, we do not recommend the appointment of the Commission asked for in this Overture.—1896, p. 158.

6. Golden Texts to be printed according to American Revision.

In response to the Overture from the Presbytery of Chester asking that the Board print the Golden Texts in its Lesson Helps, in either the authorized version, or both in authorized version and American revision, we recommend: That in all publications of the Board, Golden Texts and Texts for memory work be printed according to the American Revision, and that comment be based, as at present, on the text.—1922, p. 221.

III. How large a portion shall be read at once, is left to the discretion of every minister: however, in each service, he ought to read, at least, one chapter; and more, when the chapters are short, or the connection requires it. He may, when he thinks it expedient, expound any part of what is read: always having regard to the time, that neither reading, singing, praying, preaching, or any other ordinance, be disproportionate the one to the other; nor the whole rendered too short, or too tedious.

1. The early rule for the reading of the Scriptures.

Overtured, That every minister, in their respective congregations, read and comment upon a chapter of the Bible every Lord's day as discretion and circumstances of time, place, etc., will admit.—1707, p. 10.

2. Responsive services in public worship unwise.

Overture from the Presbytery of Baltimore in regard to responsive and ritualistic services.

The Committee recommend these resolutions:

1. That the practice of responsive service in the public worship of the sanctuary is without warrant in the New Testament, and is unwise and impolitic in view of its inevitable tendency to destroy uniformity in our mode of worship.

2. That the Sessions of the churches are urged to preserve, in act and spirit, the simplicity of service indicated in the Directory for Worship. —1874, p. 83.

[Note.—See *Digest*, 1886, p. 784; *Minutes*, 1869, p. 926, O. S.]

3. Responsive reading not a subject for church discipline.

Overture from the Synod of Toledo, asking that the General Assembly transmit to the Presbyteries an Overture which shall settle clearly that responsive readings are a permissible part of public worship, or the opposite.

The Committee recommend the following answer:

This Assembly does not deem it advisable to send down such an Overture. Referring to past action of the General Assembly for an opinion as to the usage in question, this Assembly is not prepared to recommend to the Sessions to make it a subject of church discipline.—1876, p. 79.

4. Responsive reading judicially declared not to be a violation of the Constitution.

The Judicial Commission, in the case of the *Appeal* of Charles D. Drake, against the Synod of Baltimore, made report as follows, which was adopted, and ordered on record:

In the matter of the Appeals of Charles D. Drake from the judgments of the Synod of Baltimore, to the General Assembly of the Presbyterian Church in the United States of America, entitled: Charles D. Drake *vs.* George O. Little, Appeal from judgment of Synod of Baltimore; and Charles D. Drake *vs.* Teunis S. Hamlin, Appeal from same Synod, the duly constituted Commission make up the following Record and Report: . . .

Charles D. Drake presented two Complaints to the Presbytery of Washington City against the defendants above named. The same Complaints were alike, and contained substantially the following charge and specification:

Charge.—The violation of the Constitution of the Presbyterian Church in the United States.

Specification.—That the said defendants, being ministers, in the months of March and April of A. D. 1887, did in the Assembly's churches, introduce into the public worship of the congregations, respectively, the practice of responsive service in the reading of portions of the Holy Scriptures.

The Presbytery of Washington City dismissed the Complaints of the said Charles D. Drake as not sufficient in substance to furnish grounds to order process.

The Synod of Baltimore refused to entertain the Appeals of the said cases by the said Charles D. Drake from the judgments of the said Presbytery of Washington City, and dismissed the said Appeals and sustained the action of the said Presbytery.

The appellant assigned the refusal of the Synod of Baltimore to sustain his Appeals from the judgments of the Presbytery of Washington City in the said cases and the ordering of said Appeals to be dismissed, as his specification of error.

Finding.—After full consideration of the cases, as consolidated, the vote of the Commission was taken upon the specification of error alleged, whereupon it was unanimously determined that the specification be not sustained.

Judgment.—And now, to wit, May 26, 1888, it is ordered, adjudged, and decreed, by the Commission aforesaid, that the judgments of the Synod of Baltimore in the cases aforesaid be and the same are hereby affirmed.—1888, pp. 112, 113.

5. The present freedom of worship under the Directory reliable and edifying.

The Standing Committee on Bills and Overtures further reported on the resolution referred by the Assembly, proposing that the Assembly reappoint a Committee on Uniformity in Worship, recommending no action, inasmuch as in the judgment of the Committee the present freedom under the limits of our Directory for Worship is more reliable and edifying.—1896, p. 39.

6. The Apostles' Creed may be used in public worship.

Resolved, The attention of our congregations is hereby called to the fact that the Apostles' Creed is one of the Standards of the Presbyterian Church; that the instruction of the children of the Church therein is commended in the Directory for Worship, Chap. x, Sec. i, and that its use in worship is not contrary to any law or regulation of our denomination.

Resolved, That when the Apostles' Creed is used in the worship of our congregations, the Assembly judges that ministers are at liberty to substitute for the phrase, "He descended into hell," the equivalent words, "He continued in the state of the dead, and under the power of death, until the third day."—1892, p. 35.

7. Urging the regular reading of God's Word.

The General Assembly calls the whole Church represented by it; all Synods, Presbyteries, Sessions and pastors; all Sabbath-school officers, teachers, and Christian pupils; and all diligent readers of the Scriptures in private, to enter upon a united and prayerful effort to bring to the regular reading of God's Word all communicant members and all other persons within the influence of the Church.

The Church courts, the ministers, elders, deacons and devoted Christian women and men are urged, under the leadership of the Holy Spirit, to devise effective means, and persistently to use them, so as to make universal the faithful reading and study of the Holy Scriptures; that all professed followers of Christ, and those associated with them, may grow in the knowledge of the divine oracles, and by grace and knowledge be fitted for Christian profession and service, to the honor of God, the salvation of souls and the sanctification and preparation of Christ's Church for its world-wide mission.—1914, p. 50.

8. The Bible in the public schools.

Overture No. 609, on the Bible in the Public Schools. The adoption of the subjoined deliverance is recommended:

The General Assembly, appreciating the fundamental principle of the separation of the Church and State in the economy of government, and likewise the inestimable worth of the Bible in the education of our youth, for moral strength and obedience to law and order, does hereby state its conviction that the loss to true and noble citizenship, with the Bible divorced from our public-school system, in some of the States of our Union, is incalculable; and, further, does hereby urge, on the part of the Church as a whole, the employment of all honorable means in petitioning legislatures to enact laws and to secure amendments to State constitutions for the purpose, to create public sentiment favorable to such a course, to the end that a favorable atmosphere and legislation may be obtained, permitting, as optional or otherwise, the reading of the Bible in the public schools, or the recognition of the Bible, for study or otherwise, in the curricula of our educational institutions.—1914, p. 146.

CHAPTER IV.

OF THE SINGING OF PSALMS.

I. It is the duty of Christians to praise God, by singing psalms, or hymns, publicly in the church, as also privately in the family.

[NOTE.—See this *Digest*, Vol. I, Confession of Faith, Chap. xxi, Sec.v, p. 29.]

1. Early action on the subject of psalmody.

a. A query was brought in, in these words: "As sundry members and congregations within the bounds of our Synod judge it most for their edification to sing Dr. Watt's imitation of David's Psalms, does the Synod so far approve said imitation of David's Psalms as to allow such ministers and their congregations liberty of using them?"

As a great number of this body have never particularly considered Dr. Watts' imitation, they are not prepared to give a full answer to the question. Yet as it is well approved by many of this body, the Synod have no objection to the use of said imitation by such ministers and congregations as incline to use it, until the matter of psalmody be further considered. And it is recommended to the members of this body to be prepared to give their sentiments respecting this subject at our next meeting. —1763, p. 331.

b. After some consideration of the query concerning the use of Dr. Watts' imitation of the Psalms, the Synod judged it best, in present circumstances, only to declare that they look on the inspired Psalms in Scripture to be proper matter to be sung in divine worship according to their original design and the practice of the Christian Churches, yet will not forbid those to use the imitation of them whose judgment and inclination leads them to do so.—1765, p. 345.

[NOTE.—The book in general use was Rouse's version of the Psalms. In addition to the action given above, the Synod allowed that Dr. Watt's imitation of David's Psalms, as revised by Mr. Barlow, be sung in the churches and families under their care (1787, p. 535). In 1802, p. 249, the hymns of Dr. Watts were also allowed. In 1819, p. 76, the subject of psalmody was considered and referred to the next Assembly. A Committee, composed of Drs. Caldwell and Romeyn and Mr. Andrew Wylie, presented a Report on the subject which was adopted (1820, p. 740). The result was "The Book of Psalms and Hymns," which was approved and authorized to be used in all our churches (1820, p. 306). "The Church Psalmist," prepared by Dr. N. S. Beman, was approved by the N. S. Assembly, *Minutes*, 1840, p. 24; 1846, p. 19: 1857, pp. 410, 411; 1859, p. 38. See Moore's *Digest*, 1886, p. 779.]

II. In singing the praises of God, we are to sing with the spirit, and with the understanding also; making melody in our hearts unto the Lord. It is also proper, that we cultivate some knowledge of the rules of music; that we may praise God in a becoming manner with our voices, as well as with out hearts.

[NOTE.—For successive actions of the General Assembly, looking toward providing the Church with suitable tune and hymn books for public and social uses of worship in song, see *Digest* of 1907, pp. 836, 837.]

1. The new Hymnal (1895).

a. The Board of Publication reported that the new Hymnal is so far advanced that its publication is promised in a few months. Sample pages of the hymns and tunes were put in the hands of the Assembly, and it was

Resolved, That we heartily recommend the new Hymnal, now approaching completion, to our churches, and express the earnest hope for the general adoption of this collection as the book of praise throughout our Church; and that we record our grateful appreciation of the labors of the Committee in charge of its preparation.—1895, pp. 89, 90.

b. The Assembly heartily commends to the Church the new Hymnal, and recommends its adoption in all our churches, as the best attainable manual of praise.—1896, p. 83; 1897, p. 72.

2. The revised Hymnal (1912).

Your Committee offers the following recommendations:

That the attention of all our churches be called to the excellence of the revised Hymnal, and that all congregations be urged to secure it when purchasing new books.—1912, p. 150.

III. The whole congregation should be furnished with books, and ought to join in this part of worship. It is proper to sing without parceling out the psalm, line by line. The practice of reading the psalm, line by line, was introduced in times of ignorance, when many in the congregation could not read: therefore, it is recommended, that it be laid aside, as far as convenient.

IV. The proportion of the time of public worship to be spent in singing, is left to the prudence of every minister: but it is recommended, that more time be allowed for this excellent part of divine service than has been usual in most of our churches.

1. Church music is under the control of the minister and the Session.

a. In reply to an Overture from the Synod of Cincinnati on the subject of instrumental music, the following Minute was adopted:

Whereas, by our Constitution (Form of Government, Chap. ix, Sec. vi, and Directory for Worship, Chap. iv, Sec. iv), the whole internal arrangement of a church, as to worship and order, is committed to the minister and Session; therefore,

Resolved, That this Assembly do not feel themselves called upon and obliged to take any further order on this subject, but leave to each Session the delicate and important matter of arranging and conducting the music as to them shall seem most for edification, recommending great caution, prudence and forbearance in regard to it.—1845, pp. 21, 22, O. S.

b. A Memorial asking the Assembly "to define the rights of a Session of a church in regard to the singing in the house of God," answered by referring to the above action.—1858, p. 281, O. S.

[NOTE.—See also this *Digest,* Form of Government, Chap. ix, Sec. vii, p. 127; also Directory for Worship, Chap. iii, Sec. iii, p. 801.]

CHAPTER V.

OF PUBLIC PRAYER.

I. It seems very proper to begin the public worship of the sanctuary by a short prayer: humbly adoring the infinite majesty of the living

God; expressing a sense of our distance from him as creatures, and unworthiness as sinners; and humbly imploring his gracious presence, the assistance of his Holy Spirit in the duties of his worship, and his acceptance of us through the merits of our Lord and Saviour Jesus Christ.

II. Then, after singing a psalm, or hymn, it is proper that, before sermon, there should be a full and comprehensive prayer: *First*, Adoring the glory and perfections of God, as they are made known to us in the works of creation, in the conduct of providence, and in the clear and full revelation he hath made of himself in his written Word: *Second*, Giving thanks to him for all his mercies of every kind, general and particular, spiritual and temporal, common and special; above all, for Christ Jesus, his unspeakable gift, and the hope of eternal life through him: *Third*, Making humble confession of sin, both original and actual; acknowledging, and endeavoring to impress the mind of every worshiper, with a deep sense of the evil of all sin, as such; as being a departure from the living God, and also taking a particular and affecting view of the various fruits which proceed from this root of bitterness:—as sins against God, our neighbor, and ourselves: sins in thought, in word, and in deed; sins secret and presumptuous; sins accidental and habitual. Also, the aggravations of sin, arising from knowledge, or the means of it; from distinguishing mercies; from valuable privileges; from breach of vows, etc.; *Fourth*, Making earnest supplication for the pardon of sin, and peace with God, through the blood of the atonement, with all its important and happy fruits; for the Spirit of sanctification, and abundant supplies of the grace that is necessary to the discharge of our duty; for support and comfort, under all the trials to which we are liable, as we are sinful and mortal; and for all temporal mercies that may be necessary, in our passage through this valley of tears: always remembering to view them as flowing in the channel of covenant love, and intended to be subservient to the preservation and progress of the spiritual life: *Fifth*, Pleading from every principle warranted in Scripture: from our own necessity; the all-sufficiency of God; the merit and intercession of our Saviour; and the glory of God in the comfort and happiness of his people: *Sixth*, Intercession for others, including the whole world of mankind; the kingdom of Christ, or his Church universal; the church or churches with which we are more particularly connected; the interest of human society in general, and in that community to which we immediately belong; all that are invested with civil authority; the ministers of the everlasting gospel; and the rising generation: with whatever else, more particular, may seem necessary, or suitable, to the interest of that congregation where divine worship is celebrated.

[NOTE.—See this *Digest*, Confession of Faith, Chap. xxi, Sec. iii, iv, p. 29.]

III. Prayer after sermon, ought generally to have a relation to the subject that has been treated of in the discourse; and all other public prayers, to the circumstances that gave occasion for them.

IV. It is easy to perceive, that in all the preceding directions there is a very great compass and variety; and it is committed to the judgment and fidelity of the officiating pastor to insist chiefly on such parts, or to take in more or less of the several parts, as he shall be led to by the aspect of Providence; the particular state of the congregation in which he officiates; or the disposition and exercise of his own heart at the time. But we think it necessary to observe, that although we do not approve, as is well known, of confining ministers to set or fixed forms of prayer for public worship; yet it is the indispensable duty of every minister, previously to his entering on his office, to prepare and qualify himself for this part of his duty, as well as for preaching. He ought, by a thorough acquaintance with the Holy Scriptures, by reading the best writers on the subject, by meditation, and by a life of communion with God in secret, to endeavor to acquire both the spirit and the gift of prayer. Not only so, but when he is to enter on particular acts of worship, he should endeavor to compose his spirit, and to digest his thoughts for prayer, that it may be performed with dignity and propriety, as well as to the profit of those who join in it; and that he may not disgrace that important service by mean, irregular, or extravagant effusions.

1. Liturgical forms not needed.

A Paper from the Synod of Albany, containing suggestions in relation to the use of liturgical forms of worship, which they desire to be adopted by this General Assembly, was considered; it was

Resolved, That, as the usages and forms of the Presbyterian Church have been so uniform and acceptable for years past, from their Scriptural simplicity; and as no extensive departure from, or change of, these usages and forms is likely to take place in the Presbyterian denomination, therefore it is the judgment of this Committee that no action by this Assembly is at present demanded.—1867, p. 498, N. S.

2. Book of Forms. Liberty to use the forms of the Reformed Churches.

From the Presbytery of Puget Sound, asking the General Assembly to prepare and publish a Book of Forms for public and social worship, and for special occasions, which shall be the authorized service-book of the Church, to be used whenever a prescribed formula may be desired. Your Committee recommend the following answer: In view of the action of previous General Assemblies on this subject, and the liberty which belongs to each minister to avail himself of the Calvinistic or other ancient devotional forms of the Reformed churches, so far as may seem to him for edification, it is inexpedient for this General Assembly to make any special order in the premises.—1882, p. 95.

[Note.—See this *Digest*, Directory for Worship, Chap. iii, Sec. ii, p. 799.]

3. Appointment of Committee on Forms and Services.

In reply to *Overture No. 127*, from the Presbytery of Denver, and *Overture No. 139*, from the Synod of New York, on Tentative Forms of Worship and a Book of Forms for Ministers, the Committee recommends the adoption of the following resolution:

Resolved, 1. That a Committee of eleven be appointed by the Moderator, in conference with the Editorial Committee of the Board of Publication, to take into consideration and if possible to prepare, in harmony with the Directory for Worship, a Book of Simple Forms and Services which shall be proper and helpful for voluntary use in Presbyterian churches in the celebration of the Sacraments, in marriages and funerals, and in the conduct of public worship.

Resolved, 2. That in the preparation of these voluntary services the Committee be instructed to draw from the Holy Scriptures and the usage of the Reformed Churches; to avoid those forms which savor of ritualism; to embody sound doctrine in the language of orderly devotion, and to keep ever in mind the end of Presbyterian worship, which is that all the people should join in the service of God as he is revealed in Jesus Christ.

Resolved, 3. That this Committee shall report to the next General Assembly, and shall submit whatever work they have been enabled to complete to the Assembly for approval and disposition.—1903, p. 113.

4. Action of the Assembly of 1905.

The Report of the Special Committee on Forms and Services was taken up, and the following was adopted:

Resolved, That this Assembly, having received the Report of the Committee on Forms and Services, and approving the principles which have guided the Committee in following their instructions to prepare a Book of Service proper for voluntary use in Presbyterian churches, herewith recommit the book to the Committee with the following instructions: To revise the form for baptism in order to safeguard the doctrine of the Reformed Churches regarding the force of baptism, the birthright church membership of children of believers, and the covenant engagement of believers to be the Lord's; to add further suitable prayers to those now provided for family worship; to add forms of service, according to the instructions of the Form of Government, for the ordination and installation of ruling elders and deacons, the licensing of candidates to preach the Gospel, the laying of the cornerstone and dedication of a church, and if it be found wise, the Psalter as now published in the Hymnal.

For the purpose of further review and revision of the work, the Assembly orders the addition to the Committee of five members, of whom the Moderator shall be one, the remaining four to be active pastors; the entire Committee to be instructed to secure the opinion and counsel of pastors who may be available in the work of revision and completion of their work.

In case the enlarged Committee reach definite and satisfactory completion of their work during the present year, we authorize the publishing of the Book of Worship by the Board of Publication and Sabbath-school Work, in order that the churches may have opportunity to consider and test the same, the Committee to make full Report to the next Assembly.

In case the Committee do not reach definite and satisfactory completion of their work before the meeting of the next Assembly, they are instructed to report the work to that Assembly for further action.

The following additional resolutions were adopted unanimously, in connection with the Report:

Resolved, That the words "For Voluntary Use in the Churches" shall be inserted on the title-page of the Book of Worship when issued by the Board of Publication.

Resolved, That the version of the Scriptures to be used in the Book of Worship be left to the discretion of the Committee.—1905, p. 165.

5. Action of the Assembly of 1906.

Resolved, First: That the General Assembly hereby calls the attention of its ministers and congregations to the historic position of the Presbyterian Church in the United States of America in regard to liberty in the conduct of public worship. The minister is not confined to any set form of service, nor is he prohibited from using such forms, in harmony with the doctrine of this Church, as may seem to him convenient and appropriate. The Directory for Worship refers frequently to "the discretion of the minister," "the prudence of the minister," "the judgment and fidelity of the pastor" (Chap. iii, Sec. iii; Chap. iv, Sec. iv; Chap. v, Sec. iv) in the arrangement and proportion of the different parts of the service. The Assembly of 1882 asserted that "in view of the liberty which belongs to each minister to avail himself of the Calvinistic or other ancient devotional forms of the Reformed Church, so far as may seem to him for edification, it is inexpedient for this General Assembly to make any special order in the premises"; and the General Assembly of 1884 reaffirmed the action of two previous Assemblies to the effect that "the whole internal arrangement of a Church as to worship and order is committed to the minister and Session"; all of which this Assembly reaffirms.

Resolved, Second: That the General Assembly calls attention to the fact that it has no power or authority to impose any particular forms of conducting worship, or any obligatory liturgy, upon the Church; and that the existing liberty of worship is safeguarded by the Constitution, which requires that any amendment to the Directory for Worship must be submitted to the Presbyteries, and receive an affirmative vote of a majority of them, before it can become effective.

Resolved, Third: That the General Assembly recognizes that the Committee appointed by the Assembly of 1903 "to prepare, in harmony with the Directory for Worship, a Book of Simple Forms and Services, which shall be proper and helpful for voluntary use in Presbyterian churches, in the celebration of the Sacraments, in marriages, and funerals, and in the conduct of public worship," have reached that completion of their work contemplated by the Assembly of 1905; and that the Book of Common Worship is now published pursuant to the action of the last General Assembly, "in order that the churches may have opportunity to consider and test the same," as an orderly compendium containing helpful forms in harmony with the doctrines of our Church.

Resolved, In order that there may be no misunderstanding the Assembly declares that, in view of the liberty which has always belonged to ministers and churches in the conduct of public worship, it is deemed inexpedient to make any recommendation in this matter, and it is directed that the following changes be made in the title-page and the preface.

The title-page to read as follows:

THE BOOK

OF

COMMON WORSHIP

Prepared by the Committee of the General Assembly of the Presbyterian
Church in the U. S. A.

FOR VOLUNTARY USE

Philadelphia

Presbyterian Board of Publication and Sabbath School Work
1906

Also to change the last clause of the third paragraph of the Preface, beginning "its publication," etc., so as to read "it is now published for the purpose contemplated by the General Assembly of 1905."—1906, p. 121.

[NOTE.—The Assembly of 1928 appointed a Committee to consider the revision of the Book of Common Worship. (Min. 1928, p. 56). The Committee reported progress to the next Assembly, (Min. 1929, p. 64), and was continued. The Committee again reported progress to the 1930 Assembly, and was continued.—1930, p. 73].

CHAPTER VI.

OF THE WORSHIP OF GOD BY OFFERINGS.

I. In order that every member of the congregation may be trained to give of his substance systematically, and as the Lord has prospered him to promote the preaching of the Gospel in all the world and to every creature, according to the command of the Lord Jesus Christ, it is proper and very desirable that an opportunity be given for offerings by the congregation in this behalf every Lord's Day, and that, in accordance with the Scriptures, the bringing of such offerings be performed as a solemn act of worship to almighty God.

II. The proper order, both as to the particular service of the day and the place in such service for receiving the offerings, may be left to the discretion of the minister and session of the church; but that it may be a separate and specific act of worship, the minister should either precede or immediately follow the same with a brief prayer, invoking the blessing of God upon it and devoting the offerings to his service.

1. General recommendations.

Your Committee present for the Assembly's approval the following resolutions:

1. That the plan of weekly worshipful offerings, "as God has prospered," commended in the newly adopted chapter of our Directory for Worship, be urged upon the earnest practical attention of all our ministers and Sessions.

2. That the system of individual pledges either to the general beneficences of the Church, or to the work of any special Board, be favored as superior both in principle and practice to any mode of sporadic contribution.

3. That every Presbytery be charged to press towards an adequate beneficence, any of its churches that are manifestly lagging behind their duty and ability; also to encourage every church towards an improvement every year upon its own previous giving.

4. That inasmuch as this General Assembly has recommended the churches to raise definite and largely increased amounts for several of the Boards, the Session of each church be urged to calculate what proportionate increase in their contributions is necessary to comply with this recommendation and that they endeavor earnestly to raise that sum.

5. That this Assembly reiterate the instructions of its predecessors to all Synods and Presbyteries within our bounds, that they appoint and maintain efficient Committees on Beneficence who shall report to and coöperate with the Assembly's Committee.

6. That Presbyteries and churches be recommended to hold services at convenient periods each year at which pastors may call to their aid elders and lay members to testify, out of their own knowledge and experience, to the benefits and blessings of systematic principled giving to the Lord. —1887, p. 121.

[NOTE.—See also *Minutes*, 1888, pp. 127, 128; 1889, p. 67; 1890, p. 78.]

2. Inquiry to be made by Presbytery as to compliance with the recommendations of the Assembly.

This Assembly reiterates the recommendation of the General Assembly of 1890: "That Presbyteries be advised to call their churches annually to account, at some regular meeting, in reference to the compliance with the recommendations of the Assembly."—1892, p. 195.

3. Plan for securing pledges and contributions from each member of each congregation.

The Committee on Benevolence have been entrusted with an *Overture* from the Presbytery of Redstone, setting forth an excellent and elaborate plan for securing pledges and contributions from each member of each congregation. The Committee consider that they would transcend the province of the work assigned to them should they formulate and advocate any specific mode in which this important matter should be adopted in each Presbytery and Church.

A certain flexibility of method must be allowed for varying needs under differing conditions.

There are certain general lines, however, within which it would appear the plan may be included. There are certain aims which may be indicated together with certain evils which should be avoided.

From our excellent sixth chapter of the Directory for Worship and from the deliverances of late Assemblies we may note these characteristics:

1. A stated offering on each Lord's day for the proclamation of the Gospel to all the world and to every creature. This need not be the Board of Foreign Missions exclusively, but it is evidently not intended to signify the local church exclusively or mainly.
2. An offering annually or more frequently from each church to each of our regular Boards. The Committee consider that the main responsibility for this offering rests on the Session of the church and the Presbyterial Committee on Systematic Beneficence.
3. An offering from each regular worshiper in the local church to each cause that is presented. Responsibility for this offering rests on the conscience of the worshiper and the energy of the Session.
4. A full and definite presentation to each church, annually or more frequently, of the work, needs and hopes of the various Church causes. Responsibility for which presentation rests entirely upon the minister in charge.
5. A plan which avoids general scrutiny or publicity given to subscription lists.
6. A plan that equalizes as far as practicable the offerings according to the percentages of the recommendations, to the Boards, by the General Assembly.
7. A plan that prevents the unnecessary and vexatious delay in the return of the offerings to the Boards until the last day of the fiscal year.
8. A plan that will be effectual on stormy Sabbaths.—1896, pp. 88, 89.

4. Collections ordered must be taken.

In the matter of collections ordered by a higher judicatory, such as the General Assembly, "it is inconsistent with our Church government to be under the check or prohibition of a church Session; they indeed may give or withhold their charity, but may not prevent a minister to propose it publicly according to our appointment.—1755, p. 215.

[Note.—See this *Digest*, p. 126.]

5. Proportionate giving.

The General Assembly recommends, "that it be the unwearied effort of all elders of our churches to secure a general acceptance of the principle and adoption of the practice of proportionate giving."—1889, p. 68.

6. Individual pledges.

That the system of individual pledges, either to the general beneficence of the Church, or to the work of any special Board, be favored as superior both in principle and practice to any mode of sporadic contribution.—1887, p. 121.

7. Combination of collections discouraged.

This Assembly discouraged the practice of combining the offerings for pure benevolence and those for the church's current expenses, in the same collection, as injurious to both causes; nothing in this is to be construed against individual liberty as set forth in Chap. vi, Sec. iii, of the Directory for Worship.—1887, p. 122.

8. Fairs, etc., discountenanced.

That the Assembly commends most highly the efforts to abolish the makeshifts of fairs and suppers, and similar unbiblical and secularizing expedients for filling the treasury of our Lord.—1893, p. 122.

9. Money value of boxes.

The money value of boxes, etc., is properly included in the contributions reported in the appropriate column.—1893, p. 114.

10. Public announcement of offerings.

Sessions are "advised to make frequent Report before their several churches of the amount contributed in their benevolent offerings, and the disposition made of the same."—1889, p. 67.

11. Offerings to be made as acts of worship.

Resolved, 8. That the General Assembly calls the especial attention of every pastor of the Church to Chap. vi, Directory for Worship, to the end that the offerings of the Church may be made, as therein provided, as acts of worship.—1894, p. 148.

III. The offerings received may be apportioned among the Boards of the Church and among other benevolent and Christian objects, under the supervision of the church session, in such proportion and on such general plan as may from time to time be determined; but the specific designation by the giver of any offering to any cause or causes shall always be respected and the will of the donor carefully carried out.

IV. The offerings of the Sabbath-school and of the various societies or agencies of the Church shall be reported regularly to the session of the Church for approval, and no offerings or collections shall be made by them for objects other than those connected with the Presbyterian Church in the U. S. A., without the approval of the session.

V. It is the duty of every minister to cultivate the grace of liberal giving in his congregation, that every member thereof may offer according to his ability, whether it be much or little.

1. Ministers to furnish information.

Every minister is charged to keep his people thoroughly informed concerning the work of the Boards, and the demand that such work is making upon every member.—1887, p. 122.

2. Duty of the churches to the Boards.

An *Overture* from the Presbytery of Lackawanna sets forth the fact that our eight Church Boards were incorporated primarily, not for the purpose of raising money, but for the purpose of expending it, as the agents of the Church, after it has been raised. It is the duty of the churches to fill up the treasuries of these Boards, that the important missionary work contemplated in the erection of these Boards may be by them efficiently carried on year by year. This efficiency is greatly interfered with if the funds be not cheerfully and promptly provided, and seriously crippled if any funds absolutely necessary be withheld. Let the Church support the Boards by large, liberal, willing, and steadily imparted offerings, and then let the Boards act as wise agents in carrying out the design of their creation. The Church must support its Boards. The Boards must be wise and efficient agents of the Church. Let this conception be clearly recognized.—1901, p. 85.

3. Duty of Presbytery as to systematic giving.

That each Presbytery be charged to encourage in all its churches some plan of systematic giving to every Board, according to Chap. vi, Directory for Worship, and to this end that it be made an item of regular business at one of the stated meetings of Presbytery each year to call the roll of the churches and hear their responses on this matter; and their reasons for not contributing shall not be sustained unless they are special and satisfactory.—1899, p. 120.

4. Duty of Sessions as to offerings.

That the Sessions of all of our churches be reminded of their responsibility in connection with the stimulation and systematic development of Church benevolences, and be urged to devise and faithfully carry out some plan of annually canvassing the entire constituency of each church, for offerings in aid of all authorized missionary and benevolent causes of the Church.—1906, p. 106.

CHAPTER VII.

OF THE PREACHING OF THE WORD.

I. The preaching of the Word being an institution of God for the salvation of men, great attention should be paid to the manner of performing it. Every minister ought to give diligent application to it; and endeavor to prove himself a workman that needeth not to be ashamed, rightly dividing the word of truth.

1. Reading sermons.

a. It is further enjoined that all our ministers and probationers forbear reading their sermons from the pulpit, if they can conveniently.—1761, p. 309.

b. The General Assembly has reason to believe that the practice of reading sermons in the pulpit is greatly on the increase amongst our ministers, and being decidedly of the opinion that it is not the best method of preaching the Gospel, it hereby recommends the discontinuance of the practice as far as possible, and earnestly exhorts our younger ministers to adopt a different method, as more Scriptural and effective.—1841, p. 448, O. S.

c. *Whereas*, This General Assembly has reason to believe that the practice of reading sermons in the pulpit is on the increase amongst our ministers; and being decidedly of opinion that it is not the most effective and acceptable method of preaching the Gospel; therefore,

Resolved, That we do earnestly repeat the recommendation of the Assembly of 1841, that this practice be discontinued as far as practicable; and affectionately exhort our younger ministers and candidates for the ministry to adopt a different method as more Scriptural and effective, and more generally acceptable to God's people.—1849, p. 271, O. S.

II. The subject of a sermon should be some verse or verses of Scripture: and its object, to explain, defend and apply some part of the system of divine truth; or, to point out the nature, and state the bounds and obligation, of some duty. A text should not be merely a motto, but should fairly contain the doctrine proposed to be handled. It is proper also that large portions of Scripture be sometimes expounded, and particularly improved, for the instruction of the people in the meaning and use of the Sacred Oracles.

1. Expository preaching commended.

That in the discharge of pastoral duties they take the utmost care that the Word of God be known and understood by the people, and that for this purpose, in their public instructions, the practice of lecturing on certain portions of the Scripture be not laid aside, but rather revived and increased.—1799, p. 182.

III. The method of preaching requires much study, meditation and, prayer. Ministers ought, in general, to prepare their sermons with care; and not to indulge themselves in loose, extemporary harangues; nor to serve God with that which cost them naught. They ought, however, to keep to the simplicity of the gospel: expressing themselves in language agreeable to Scripture, and level to the understanding of the meanest of their hearers; carefully avoiding ostentation, either of parts or learning. They ought also to adorn, by their lives, the doctrine which they teach; and to be examples to the believers, in word, in conversation, in charity, in spirit, in faith, in purity.

IV. As one primary design of public ordinances is to pay social acts of homage to the most high God, ministers ought to be careful not to make their sermons so long as to interfere with or exclude the more important duties of prayer and praise; but preserve a just proportion between the several parts of public worship.

V. The sermon being ended, the minister is to pray, and return thanks to almighty God: then let a psalm be sung, and the assembly dismissed with the apostolic benediction.

VI. It is expedient that no person be introduced to preach in any of the churches under our care, unless by the consent of the pastor or church session.

CHAPTER VIII.

OF THE ADMINISTRATION OF BAPTISM.

I. Baptism is not to be unnecessarily delayed; nor to be administered, in any case, by any private person; but by a minister of Christ, called to be the steward of the mysteries of God.

It is usually to be administered in the church, in the presence of the congregation; and it is convenient that it be performed immediately after sermon.

Of the expediency of performing this service in other places than the church, the minister shall be the judge.

II. Of the administration of baptism to infants:

After previous notice is given to the minister, the child to be baptized is to be presented, by one or both the parents, signifying their desire that the child may be baptized.

Before baptism, let the minister use some words of instruction respecting the institution, nature, use, and ends of this ordinance; showing:

"That it is instituted by Christ, that it is a seal of the righteousness of faith; that the seed of the faithful have no less a right to this ordinance, under the Gospel, than the seed of Abraham to circumcision, under the Old Testament; that Christ commanded all nations to be baptized; that he blessed little children, declaring that of such is the kingdom of heaven; that children are federally holy, and therefore ought to be baptized; that we are by nature sinful, guilty, and polluted, and have need of cleansing by the blood of Christ, and by the sanctifying influences of the Spirit of God."

The minister is also to exhort the parents to the careful performance of their duty, requiring:

"That they teach the child to read the Word of God, that they instruct him in the principles of our holy religion, as contained in the Scriptures of the Old and New Testament; an excellent summary of which we have in the Confession of Faith of this Church, and in the Larger and Shorter Catechisms of the Westminster Assembly, which are to be recommended to them, as adopted by this Church, for their direction and assistance in the discharge of this important duty; that they pray with and for the child; that they set an example of piety and godliness before him, and endeavor by all the means of God's appointment to bring up their child in the nurture and admonition of the Lord."

Then the minister is to pray for a blessing to attend this ordinance; after which, calling the child by name, he shall say:

"I baptize thee, in the name of the Father, and of the Son, and of the Holy Ghost."

As he pronounces these words, he is to baptize the child with water, by pouring or sprinkling it on the head of the child, without adding any other ceremony; and the whole shall be concluded with prayer.

1. Age of infancy not determined.

The Committee to which was referred the question, "At what age ought children to be considered too old to be baptized on the faith of their parents?" reported the following answer; which, being read, was adopted, viz.:

The precise time of life when the state of infancy ceases, is not determined in the Word of God, nor by the Standards of our Church, and, from the nature of the case, is incapable of being regulated by any uniform rule, but should be left to the judgment of ministers and Sessions, to be determined according to the particular circumstances of each case. The Assembly, therefore, deem it inexpedient to attempt to fix the precise time at which children ought to be considered too old to be baptized on the faith of their parents.—1822, p. 53.

2. Baptism by Unitarians, Romish baptism, etc.

[Note.—See this *Digest*, Vol. I, pp. 48, 49–51.]

3. Who may be presented for baptism.

a. Not only those that do actually profess faith in and obedience unto Christ, but also the infants of one or both believing parents are to be baptized.—Confession of Faith, Chap. xxviii, Sec. iv.

d. Baptism is not to be administered to any that are out of the visible Church, and so strangers from the covenant of promise, till they profess their faith in Christ and obedience to him; but infants descending from parents, either both or but one of them, professing faith in Christ and obedience to him, are, in that respect, within the covenant, and are to be baptized.—Larger Catechism, Q. 166; Shorter Catechism, Q. 95.

4. The duty of Christian masters to have their servants baptized, etc.

[Note.—See this *Digest*, Vol. I, p. 53.]

5. Orphan children of heathen parents in the care of our missions.

The General Assembly of the Presbyterian Church in the United States of America to the Presbytery of Lodiana:

Dear Brethren:—You have submitted to us questions respecting a subject which we have no doubt is one of very great importance in regard to the progress of religion among the heathen. We have seriously considered it, and give you here the result of our deliberations.

You present to us three questions, to which we reply in the order in which the same are presented.

1. Are all orphan children of heathen parents, committed to the care of our missions, entitled to the benefits of the ordinance of baptism without respect to their ages?

We reply, certainly they are not.

You must make the same distinction that you would make if their parents were alive and members of the Christian Church, and desiring to have them baptized, the same distinction which is made in Christian countries. We add, let those children only be baptized in every case who are so committed to the missions or other Christian tuition, as to secure effectually their entire religious education. On this point great caution is necessary.

2. You ask (on the presumption that the preceding question is answered in the negative), Are those only to be baptized who have not attained to years of discretion?

This question we answer in the affirmative.

3. Your third question is in substance as follows: If those only who have not attained to years of discretion are to be baptized, at what age shall the federal right be supposed to cease and personal responsibility to commence?

Although it is not difficult to answer this question in accordance with the Standards and the practice of the Presbyterian Church, yet the rule may frequently be found difficult of application. Our answer to the question, however, is:

The officers of the Church must judge in each particular case whether the proposed subject of baptism has arrived at years of discretion or not. We can adopt no other rule in our own practice, and we can recommend no other to you. We refer you to Chap. x, Sec. ii, of our Directory for Worship. If the person proposed to be baptized has acquired that maturity of mind which renders him capable of making an intelligent profession of religion himself, he ought not to be baptized on the faith of another. Our Confession of Faith recognizes the right to baptism of the infant children only of such parents as are members of the Church. We do not doubt that in heathen countries children of heathen parents ordinarily arrive at what are called years of discretion later than those who enjoy the advantages of Christian instruction in early life; but in a country where the religion of all consists in forms and ceremonies, great care should be taken that the Christian religion does not even appear to partake of the formality and emptiness of Mohammedanism and paganism.—1843, p. 179, O. S.

6. Obligations and qualifications of parents.

a. The Synod do also exhort all the ministers within our bounds to take due care in the examination of all candidates for baptism, or that offer to dedicate their children to God in that sacred ordinance, that they are persons of a regular life, and have suitable acquaintance with the principles of the Christian religion; that that seal be not set to a blank, and that such be not admitted to visible church relation that are manifestly unfit for it.—1735, p. 115.

b. That previously to the administration of baptism, the minister shall inquire into the parents' knowledge of the great and fundamental doctrines of the Gospel, and the regularity of their lives; and being satisfied so as to admit them, shall, in public, point out the special duties of the parents, and particularly that they teach their children the doctrines and precepts of Christianity, contained in the Scriptures of the Old and New Testaments, and comprised in the Westminster Confession of Faith and Catechisms, which therefore he shall recommend unto them.—1755, p. 267.

c. The following reference from the Synod of Philadelphia was laid before the Assembly: As baptism is to be administered to the infants of those who are members of the visible Church (but our Directory leaves the description of the visible and credible profession of Christianity vague and indefinite), it is humbly proposed to the Assembly to give some precise direction and definition of such a profession for the information of its ministers. In answer to the above reference, the Assembly judged it unnecessary, and perhaps impracticable, to deliver rules more explicit than those contained in the Standards of our Church; but should cases of difficulty arise, they must be decided respectively, according to their own merits, before the proper judicatories.—1794, p. 91.

d. Our Confession of Faith recognizes the right to baptism of the infant children only of such parents as are members of the Church.—1843, p. 180, O. S.

7. Parents required to enter into engagements.

The following question, through the Committee of Overtures, was read, viz.:

Whether, besides requiring of parents dedicating their children to God in baptism, an express acknowledgment of the duties of parents, and recommending to them the observance thereof, it should be considered as essential to require that they come under an explicit vow or solemn engagement also to perform those duties? whereupon the Assembly

Resolved, That an answer to this question is contained in the Directory for Public Worship of this Church, under the head of the Administration of Baptism, which requires an express engagement upon the part of parents. —1794, p. 89.

8. Instruction to be given and discipline urged for neglect.

The Committee on Polity reported an *Overture* from the Presbytery of West Virginia, asking the Assembly to appoint a day of fasting, humiliation and prayer, and to take further action, in view of the alleged general and extensive neglect, on the part of church members, of presenting their infant children for baptism.

The Committee recommended the following in answer:

The Assembly cannot regard an extensive neglect of this important ordinance to be as general as is alleged in the Overture; it admits, however, that there may be considerable, and even extensive, neglect in certain sections of the Church. Nevertheless, in view of the vital importance of the subject, it adopts, with some modification, one of the suggestions of the Overture, namely, that our Sessions and Presbyteries be enjoined to make careful inquiry in regard to the matter; that they see to it that their pastors carefully instruct their churches on this subject; and also that Sessions be directed to exercise proper discipline when neglect exists and is persisted in.—1886, p. 38.

9. Mode of baptism.

[Note.—See this *Digest*, Vol. I, Confession of Faith, Chap. xxviii, Sec. iii, p. 52.]

III. Of the administration of baptism to adults:

When unbaptized persons are to be admitted into the Church, they shall, in ordinary cases, after giving satisfaction with respect to their knowledge and piety, make a public profession of their faith in the presence of the congregation; and thereupon be baptized.

Before baptism, let the minister use some words of instruction respecting the institution, nature, use, and ends of this ordinance, showing:

"That it is instituted by Christ; that our Lord commanded His disciples to baptize believers of every nation; that it is a sacrament wherein the washing with water, in the name of the Father, and of the Son, and of the Holy Ghost, doth signify and seal our engrafting into Christ, and partaking of the benefits of the covenant of grace, and our engagement to be the Lord's; that it is not to be administered to any that are out of the visible Church till they profess their faith in Christ and obedience to Him; that it becomes an effectual means of salvation, not from any virtue in it, or in him that doth administer it, but only by the blessing of Christ, and the working of His Spirit in them that by faith receive it."

The minister shall then propose to the person to be baptized the following or similar questions, to wit:

"Do you believe that Jesus Christ is the only begotten Son of God, and the only Saviour from sin?"

"Is it your desire to be baptized in this faith?"

Then the minister shall baptize the candidate by pouring or sprinkling water upon his head, calling him by name, and using these words:

"I baptize thee, in the name of the Father, and of the Son, and of the Holy Ghost."

The administration of the sacrament shall be concluded with prayer.

CHAPTER IX.

OF THE ADMINISTRATION OF THE LORD'S SUPPER.

I. The Communion, or Supper of the Lord, is to be celebrated frequently; but how often, may be determined by the minister and eldership of each congregation, as they may judge most for edification.

1. Where there is no church organized.

It was moved that the restriction laid by the last General Assembly on our missionaries, which confines them to administer the ordinance of the Lord's Supper in such places only where there are church officers regularly appointed, be repealed, and it is hereby repealed accordingly.—1798, p. 146.

2. Not usually in the bounds of a congregation without consent.

While the Assembly, as a general principle, disapprove of the administration of the sacraments, by one of their ministers, within the bounds of a congregation with which he is not connected, without the consent of the minister and Session of said congregation; yet under the peculiar local circumstances of the people among which Mr. Maccalla occasionally administered ordinances, the Assembly cannot decide that he deserves censure. Therefore,

Resolved, That the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Ebenezer in regard to the Complaint of the Rev. Mr. Dobbins, against the Rev. Mr. Maccalla, be, and it hereby is affirmed.—1824, p. 124.

3. Where a minister may statedly preach he may administer the Lord's Supper.

The Judicial Commission appointed to hear and try an *Appeal* and *Complaint* of the church and congregation of Mifflinburg against the action of the Synod of Philadelphia, on the Appeal and Complaint of the Rev. Isaac Grier, D.D., beg leave to report:

That they have issued the case *pro forma*, according to the directions of the Book of Discipline in the case of appeals and complaints, and after a full hearing, do unanimously adjudge:

1. That the decision of the Synod of Philadelphia, affirming the right of Rev. Mr. Grier to preach in Mifflinburg to the people of his charge, be approved and confirmed.

2. That the restriction preventing him from administering the Lord's Supper in Mifflinburg, except under extraordinary circumstances, be removed.—1870, p. 31.

4. Administered in a private house in sickness.

Overture No. 12, from the Central Presbytery of Philadelphia, asking the Assembly to decide whether, in no case of sickness or of conversion, however peculiar, the Session of the church is not at liberty to administer the Lord's Supper in a private house.

The Committee recommend the following Minute:

The Standards of our Church are clear in their teaching, that the Lord's Supper is not to be received by any one alone, yet, in cases of protracted sickness or approaching death, when the desire is very strongly urged by a member of the Church, to enjoy the administration of the Lord's Supper, a pastor, having duly admonished the applicant that such ordinance, however a source of spiritual comfort, is not, in such cases, an imperative duty, or indispensable to salvation, may, with a member of his Session, and such communicants as may appropriately be permitted to partake in such solemnity, proceed to administer this Sacrament—a Minute of every such act to be entered on the Records of Session.—1863, p. 37, O. S.

II. The ignorant and scandalous are not to be admitted to the Lord's Supper.

III. It is proper that public notice should be given to the congregation, at least the Sabbath before the administration of this ordinance, and that, either then, or on some day of the week, the people be instructed in its nature, and a due preparation for it; that all may come in a suitable manner to this holy feast.

IV. When the sermon is ended, the minister shall show,

"That this is an ordinance of Christ; by reading the words of institu-
"tion, either from one of the evangelists, or from 1 Cor. xi. chapter; which,
"as to him may appear expedient, he may explain and apply; that it is
"to be observed in remembrance of Christ, to show forth his death till he
"come; that it is of inestimable benefit to strengthen his people against
"sin; to support them under troubles; to encourage and quicken them in
"duty; to inspire them with love and zeal; to increase their faith, and
"holy resolution; and to beget peace of conscience, and comfortable hopes
"of eternal life."

He is to warn the profane, the ignorant, and scandalous, and those that secretly indulge themselves in any known sin, not to approach the Holy Table. On the other hand, he shall invite to this Holy Table, such as, sensible of their lost and helpless state of sin, depend upon the atonement of Christ for pardon and acceptance with God; such as, being instructed in the gospel doctrine, have a competent knowledge to discern the Lord's body; and such as desire to renounce their sins, and are determined to lead a holy and godly life.

1. The ignorant or scandalous excluded.

Such as are found to be ignorant or scandalous, notwithstanding their profession of the faith, and desire to come to the Lord's Supper, may and ought to be kept from that Sacrament by the power which Christ hath left in his Church, until they receive instruction, and manifest their reformation.—Larger Catechism, Q. 173.

2. Not the custom to invite those who have not professed Christ.

Overture No. 42, asking if it accords with the spirit and usage of the Presbyterian Church, to invite persons, believers, not members of any evangelical Church, to partake of the Lord's Supper. The Committee recommend the reply, that "it is not in accordance with the spirit and usage of the Presbyterian Church to extend such invitations."—1872, p. 75.

3. Church membership is implied in the invitation to commune.

Overture from the Presbytery of Rochester, asking the question: "Does it comport with the Standards and the usage of the Presbyterian Church to invite persons to the Lord's Supper who are not connected with any branch of the visible Church?" The Committee recommend the following answer: That, according to the action of the General Assembly of 1872 (p. 75), it is not in accordance with the spirit of the Presbyterian Church to extend such an invitation. "The language of the Book (Directory for Worship, Chap. viii [now Chap. ix], Sec. iv), relied upon by some to authorize indiscriminate Communion, is not correctly interpreted by them. Although, in describing the persons there invited to the Lord's Table, Church membership is not expressed, it is clearly implied."—1876, p. 79.

4. Baptism with water is essential to communion in the Presbyterian Church.

Overture from the Presbytery of North Texas, asking: 1. Can one be admitted to membership in the Presbyterian Church who has not received water baptism in any mode, and who does not believe in other baptism than the baptism of the Holy Ghost? 2. If not, can such persons —*e. g.*, Quakers—be invited to the Lord's Table?

Your Committee most respectfully answer the first question in the negative. And, as an answer to the second question, would refer the Presbytery to the Directory of Worship, Chap. viii [ix], Sec. iv, in regard to the proper qualifications of communicants.—1883, p. 627.

5. Communicants' classes commended.

To secure intelligent confession of Christ at his Table, it is desirable that there be something of the nature of a communicants' class in each congregation, duly made known from the pulpit, conducted by the pastor, or, in exceptional cases, by a competent member of the church. This class should be, if not continuous, for, say, a month before each Communion season; it should be so conducted as to elicit free statements of belief and experience of religious truth and devotional feelings.—1889, p. 63.

V. The table, on which the elements are placed, being decently covered, the bread in convenient dishes, and the wine in cups, and the communicants orderly and gravely sitting around the table, (or in their seats before it) in the presence of the minister; let him set the elements apart, by prayer and thanksgiving.

The bread and wine being thus set apart by prayer and thanksgiving, the minister is to take the bread, and break it, in the view of the people, saying, in expressions of this sort:—

"Our Lord Jesus Christ, on the same night in which he was betrayed, "having taken bread, and blessed and broken it, gave it to his disciples; "as I, ministering in his name, give this bread unto you; saying, [here "the bread is to be distributed] Take, eat: this is my body, which is broken "for you: this do in remembrance of me."

After having given the bread, he shall take the cup, and say—

"After the same manner our Saviour also took the cup; and having given "thanks, as hath been done in his name, he gave it to the disciples, say-"ing, [while the minister is repeating these words let him give the cup] "This cup is the new testament in my blood, which is shed for many, for "the remission of sins: drink ye all of it."

The minister himself is to communicate, at such time as may appear to him most convenient.

The minister may, in a few words, put the communicants in mind—

"Of the grace of God, in Jesus Christ, held forth in this Sacrament; "and of their obligation to be the Lord's; and may exhort them to walk "worthy of the vocation wherewith they are called; and, as they have "professedly received Christ Jesus the Lord, that they be careful so to "walk in him, and to maintain good works."

It may not be improper for the minister to give a word of exhortation also to those who have been only spectators, reminding them—

"Of their duty; stating their sin and danger, by living in disobedi-"ence to Christ, in neglecting this holy ordinance; and calling upon "them to be earnest in making preparation for attending upon it, at the "next time of its celebration."

Then the minister is to pray and give thanks to God,

"For his rich mercy, and invaluable goodness, vouchsafed to them in "that sacred communion; to implore pardon for the defects of the whole "service; and to pray for the acceptance of their persons and perform-"ances; for the gracious assistance of the Holy Spirit, to enable them, "as they have received Christ Jesus the Lord, so to walk in him; that they "may hold fast that which they have received, that no man take their "crown; that their conversation may be as becometh the gospel; that "they may bear about with them, continually, the dying of the Lord Jesus, "that the life also of Jesus may be manifested in their mortal body; that "their light may so shine before men, that others, seeing their good works, "may glorify their Father who is in heaven."

The collection for the poor, and to defray the expense of the elements may be made after this; or at such other time as may seem meet to the eldership.

Now let a psalm or hymn be sung, and the congregation dismissed, with the following or some other gospel benediction:

"Now the God of peace, that brought again from the dead our Lord "Jesus, that great Shepherd of the sheep, through the blood of the ever-"lasting covenant, make you perfect in every good work to do his will, "working in you that which is well-pleasing in his sight, through Jesus "Christ; to whom be glory for ever and ever. *Amen.*"

1. Communion wine, the purest attainable to be used.

a. A Memorial from several Presbyteries on Communion wine. Your Committee recommend the following answer: That the control of this matter be left to the Sessions of the several churches, with the earnest recommendation that the purest wine attainable be used.—1877, p. 542; 1885, p. 685.

b. Asking if the use of fermented wine is necessary to the proper observance of the Lord's Supper, and if our churches are at liberty to use unfermented wine if they can get it. *Answer:* The essential elements of the Lord's Supper are bread and wine. The General Assembly has always recognized the right of each church Session to determine what is bread, and what is wine. In the judgment of the Assembly no new legislation is needed on this subject.—1881, p. 548; 1882, p. 57.

2. Unfermented fruit of the vine fulfils every condition.

Resolved, Whereas, it is the duty of the Church of Jesus Christ to avoid even the appearance of evil, and whereas there is a well-grounded belief that danger lies in the use of fermented wine at the Communion Table, therefore it is the sense of this Assembly that unfermented fruit of the vine fulfils every condition in the celebration of the sacrament.—1895, p. 100.

3. The kind of wine left to the determination of Session.

Judicial Case No. 9, being an appeal of Hugh Marlin, from the action of the Synod of Indiana, concerning the use of wine in the Lord's Supper.

The Judicial Committee recommend that the judgment of the Synod be sustained, and that the appellant have leave to withdraw his Papers, inasmuch as the General Assembly has already committed the question involved to the determination of each Session (see *Digest,* 1898, p. 853).—1898, p. 45.

4. Ruling elders cannot administer the Sacraments.

[See under Confession of Faith, Chaps. xxvii, xxviii, p. 48.]

5. The number of cups left to the discretion of the Session.

Overture from the Presbytery of Philadelphia, with reference to the number of cups to be used in celebrating the Lord's Supper. It is recommended that the Assembly answer that,

Whereas, The Directory for Worship, Chap. ix, Sec. v, says, "The table on which the elements are placed, being decently covered, the bread in convenient dishes, and the wine in cups, etc."—not the wine in a cup, but "the wine in cups"—therefore

Resolved, That this General Assembly leaves the matter of the number of cups to be used in the celebration of the Lord's Supper to the Sessions of our churches, where it Constitutionally belongs.—1896, p. 47.

6. No rule as to persons to aid the minister.

Inasmuch as we have no rule in relation to the subject, the matter is referred to the discretion of the Sessions of the churches.—1877, p. 516.

7. Deacons may aid in the distribution of the elements.

It is "in accordance with the Presbyterian law and usage that deacons distribute to the church members the bread and wine in the Sacrament of the Lord's Supper."—1874, p. 84.

VI. As it has been customary, in some parts of our Church, to observe a fast before the Lord's Supper; to have a sermon on Saturday and Monday; and to invite two or three ministers on such occasions; and as these seasons have been blessed to many souls, and may tend to keep up a stricter union of ministers and congregations; we think it not improper that they who choose it may continue in this practice.

CHAPTER X.

OF THE ADMISSION TO FULL COMMUNION OF PERSONS BAPTIZED IN INFANCY.

I. Children, born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church; and are to be taught to read and repeat the Catechism, the Apostles' Creed, and the Lord's Prayer. They are to be taught to pray, to abhor sin, to fear God, and to obey the Lord Jesus Christ. And, when they come to years of discretion, if they be free from scandal, appear sober and steady, and to have sufficient knowledge to discern the Lord's body, they ought to be informed it is their duty and their privilege to come to the Lord's Supper.

[Note.—See this *Digest*, Book of Discipline, Chap. i, Sec. 6, p. 453.]

1. Pastoral care over baptized children.

a. *Whereas*, The Book of Discipline states that children born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church, and specifies various important particulars in which that inspection and government should be exercised, as also directs the mode in which they shall be treated if they do not perform the duties of church members; and whereas, there is reason to apprehend that many of our congregations neglect to catechise the children that have been admitted to the sealing ordinance of baptism, and do not exercise suitable discipline over them; therefore,

Resolved, That the different Presbyteries within our bounds are hereby directed to inquire of the different Sessions whether a proper pastoral care be exercised over the baptized children in their congregations, that they learn the principles of religion, and walk in newness of life before God, and that said Presbyteries do direct all Sessions delinquent in this respect to attend to it carefully and without delay.—1809, p. 431.

b. *Resolved*, That the General Assembly recommend, and they do hereby recommend to the pastors and Sessions of the different churches under their care, to assemble as often as they may deem necessary during the year the baptized children, with their parents, to recommend said children to God in prayer, explain to them the nature and obligations of their baptism, and the relation they sustain to the Church.—1818, p. 691.

2. Discipline of baptized children. The subject postponed.

How far, and in what sense, are persons who have been regularly baptized in infancy, and have not partaken of the Sacrament of the Lord's Supper, subject to the discipline of the Church?

Resolved, That the public Standards of this Church contain a sufficient answer to the question stated in the above reference.—1799, p. 171.

[NOTE.—The subject of the disciplining of baptized persons arriving at maturity, not in communion, was before the Assembly in 1811, pp. 468, 475, 480; 1812, p. 509; 1814, pp. 543, 551, when it was referred to a Committee. This Committee was subsequently discharged and the whole subject indefinitely postponed, 1814, p. 567; also 1815, pp. 578, 579. See Moore's *Digest*, 1886, p. 801.]

3. Diligent oversight enjoined in the care of the baptized children.

In consequence of but little being said [in the Presbyterial narratives] in regard to the care and instruction of the baptized children of the Church, the Assembly fears that there is a lamentable deficiency in this respect. Let us, as we value that covenant which makes the promise not only ours but our children's, take a more diligent oversight of these youthful members of our Church. Too often are they left to wander unrestrained and forgotten in the paths of error and of sin. Can the Church answer to her great Head, if this neglect of duty be not mourned over and corrected? —1835, p. 37.

4. The duty of home training urged on the attention of the Church.

Whereas, This Church holds and teaches that "children born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church; and are to be taught to read and repeat the Catechism, the Apostles' Creed, and the Lord's Prayer; they are to be taught to pray, to abhor sin, to fear God, and to obey the Lord Jesus Christ; and, when they come to years of discretion, if they be free from scandal, appear sober and steady, and to have sufficient knowledge to discern the Lord's body, they ought to be informed it is their duty and their privilege to come to the Lord's Supper;" and

Whereas, There seems to be inadequate attention given by parents, pastors and Christians generally to this first and divine provision for the perpetuity, prosperity and extension of the Church; therefore,

Resolved, That the General Assembly hereby specially directs the attention of the whole Church to this momentous subject, in the full assurance that no part of the work of the Church is more fundamental and important than that which is performed in the quietness and sanctity of homes where Christian parents are the divinely chosen and responsible guardians, guides, examples and teachers of their children, in the way of the Lord; and the General Assembly desires that the utmost diligence may be shown in this work; that a generation of God's people, renewed in heart in their infancy, may grow up in the practice of God's worship and service from their earliest years, so that his Church may be more intelligent, zealous, holy and progressive than in any former age.—1875, p. 594.

[NOTE.—See pastoral letter on Sabbath schools, 1878, pp. 95–98; this *Digest*, p. 790.]

5. Children should be trained in the faith of our fathers.

We have two suggestions to make to Christian parents on this general subject. One is, that they cause their children to be brought up in the faith of their fathers. We do not mean by this that our youth should be prevented from following out their honest convictions of duty; but that they should be dissuaded from uniting with other denominations from mere caprice or childish fancies. We consider the conduct of those parents who suffer their children to abandon our own Church without any adequate reason, as in a high degree reprehensible, and calculated to inflict a serious injury both on the Church and on their divided households.—1840, p. 310, O. S.

6. Catechetical instruction enjoined on parents.

It was unanimously *Resolved*, That the Assembly hereby most earnestly remind parents and others of the duty of catechising children and youth, and enjoin this duty upon them, as one whose performance no instruction the children receive in the Sabbath school or elsewhere, outside the family, can supersede or supply.—1870, p. 123.

7. Family training essential to the increase of the ministry and the Church.

Resolved, That the Assembly regard Christian training at all periods of youth, and by all practicable methods, especially by parents at home, by teachers in institutions of learning, and by pastors through catechetical and Bible classes, as binding upon the Church, according to the injunction, Train up a child in the way he should go, and as having a vital connection with the increase of the numbers and efficiency of the ministry and of the stability and purity of the Church.—1854, p. 30, O. S.

8. Placing children in Catholic schools a violation of covenant engagement.

What course ought church Sessions to pursue with members of the Church who send their children to Catholic boarding schools, where they are entirely deprived of the evangelical means of grace, and are obliged to attend upon papistical services?

1. *Resolved*, That this Assembly deem such conduct on the part of any Protestant parents, whether church members or not, as highly injudicious, fraught with great danger to their children, and utterly inconsistent with every principle of Protestantism.

2. *Resolved*, That we deem such conduct in church members, whose children have been dedicated to God in baptism, as a violation of their vows made in that ordinance, and a great hindrance to the training up of their children in the nurture and admonition of the Lord.

3. *Resolved*, That it be recommended to all ministers in our connection where such a practice exists, to present this subject from the pulpit, and in other suitable ways to admonish those who offend.—1849, p. 265, O. S.

II. The years of discretion in young Christians cannot be precisely fixed. This must be left to the prudence of the session.

III. When persons baptized in infancy are to be admitted to full communion with the Church, they shall be examined as to their knowledge and piety, and shall in ordinary cases, with the approval of the session, make a public profession of their faith, in the presence of the congregation.

1. To admit to sealing ordinances belongs exclusively to the Session. Forms of admission.

Overture No. 38, from the Presbytery of Brooklyn, on the methods of receiving members to the Communion of our churches and urging the importance of uniformity in these methods, as well as calling attention to "serious and hurtful evils" growing out of a disregard of the teachings of our Standards on this subject.

The following answer is recommended by the Committee:

1. That the admission of persons to sealing ordinances is confided, by the Form of Government, really and exclusively to the church Session.

2. That any forms, for publicly recognizing those who have been thus admitted to sealing ordinances, should keep in view the principle thus declared, and should give effect to the distinction, so clearly laid down by our Standards, between admitting the children of the Church to the Lord's Table, and the unbaptized to membership in the Church.—1872, p. 89.

[NOTE.—See this *Digest* under Form of Government, Chap. ix, Sec. vi, p. 109.]

CHAPTER XI.

OF THE MODE OF INFLICTING AND REMOVING CENSURES.

[NOTE.—See for cases, this *Digest*, Vol. I, Confession of Faith, Chap. xxx, p. 55, Form of Government, pp. 187, *et seq.*, 390, and Book of Discipline, p. 578.]

I. The power which Christ has given the rulers of his Church is for edification, and not destruction. When, therefore, a communicant shall have been found guilty of a fault deserving censure, the judicatory shall proceed with all tenderness, and restore the offending brother in the spirit of meekness, its members considering themselves, lest they also be tempted. Censure ought to be inflicted with great solemnity: that it may be the means of impressing the mind of the delinquent with a proper sense of his sin; and that, with the divine blessing, it may lead him to repentance.

II. When the judicatory has resolved to pass sentence, suspending a communicant from church privileges, the Moderator shall pronounce the sentence in the following form:

"Whereas you have been found guilty [*by your own confession, or by* "*sufficient proof, as the case may be*] of the sin of [*here mention the par-*"*ticular offence*], we declare you suspended from the sacrament of the "Lord's Supper, till you give satisfactory evidence of repentance."

To this shall be added such advice, admonition, or rebuke, as may be judged necessary; and the whole shall be concluded with prayer to Almighty God, that he would follow this act of discipline with his blessing. In general, such censure should be inflicted in the presence of the judicatory only; but, if the judicatory think it expedient to rebuke the offender publicly, this solemn suspension may be in the presence of the church.

III. After a person has been thus suspended, the minister and elders should frequently converse with him, as well as pray for him in private, that it would please God to give him repentance. And, particularly on days preparatory to the dispensing of the Lord's Supper, the prayers of the church should be offered up for those who have shut themselves out from this holy Communion.

IV. When the judicatory shall be satisfied as to the reality of the repentance of any suspended member, he shall be allowed to profess his repentance, and be restored to fellowship, in the presence of the session, or of the church.

V. When a suspended person has failed to manifest repentance for his offence, and has continued in obstinate impenitence not less than a year, it may become the duty of the judicatory to excommunicate him without further trial. The design of excommunication is to operate upon the offender as a means of reclaiming him, to deliver the Church from the scandal of his offence, and to inspire all with fear by the example of his punishment.

VI. When a judgment of excommunication is to be executed, with or without previous suspension, it is proper that the sentence be publicly pronounced against the offender.

The minister shall, therefore, at a regular meeting of the church, make a brief statement of the several steps which have been taken, with respect to the offender, announcing that it has been found necessary to excommunicate him.

He shall begin by showing (from Matt. xviii, 15, 16, 17, 18; 1 Cor. v, 1, 2, 3, 4, 5) the power of the Church to cast out unworthy members, and shall briefly explain the nature, use, and consequences of this censure.

Then he shall pronounce the sentence in the following or like form, viz.:

"Whereas A. B. hath been, by sufficient proof, convicted of [*here insert the sin*], and after much admonition and prayer refuseth to hear the Church, and hath manifested no evidence of repentance; therefore, in the name, and by authority, of the Lord Jesus Christ, I pronounce him to be excluded from the communion of this Church."

After which, prayer shall be made for the conviction and reformation of the excommunicated person, and for the establishment of all true believers.

But the judicatory may omit the publication of the excommunication, when it judges that there is sufficient reason for such omission.

VII. When an excommunicated person shall be so affected by his state as to be brought to repentance, and desires to be readmitted to the privileges of the Church, the session of the church which excommunicated him, having obtained, and placed on record, sufficient evidence of his sincere repentance and deep contrition, shall proceed to restore him, recording, in explicit terms, the grounds on which such conclusion has been reached.

The sentence of restoration shall be pronounced by the minister, at a regular meeting of the church on the Lord's Day, in the following words:

"Whereas A. B. has been excluded from the communion of the Church, but has now given satisfactory evidence of repentance; in the name of the Lord Jesus Christ, and by his authority, I declare him absolved from the sentence of excommunication formerly pronounced against him; and I do restore him to the communion of the Church, that he may be a partaker of all the benefits of the Lord Jesus, to his eternal salvation."

After which, he shall be commended to God in prayer.

VIII. Censures, other than suspension from church privileges, or excommunication, shall be inflicted in such mode as the judicatory may direct.

CHAPTER XII.

OF THE SOLEMNIZATION OF MARRIAGE.

I. Marriage is not a Sacrament; nor peculiar to the church of Christ. It is proper that every commonwealth, for the good of society, make laws to regulate marriage; which all citizens are bound to obey.

II. Christians ought to marry in the Lord: therefore it is fit that their marriage be solemnized by a lawful minister; that special instruction may be given them, and suitable prayers made, when they enter into this relation.

1. Marriage solemnized by licentiates.

That while our Form of Government does not recognize licentiates as ministers of the Gospel, yet this Assembly do not consider them as violating any rules of the Church by solemnizing marriage in those States where the civil laws expressly authorize them to do it.—1844, p. 377, O. S.

2. Marrying in the Lord defined.

It is lawful for all sorts of people to marry who are able with judgment to give their consent, yet it is the duty of Christians to marry only in the Lord. And, therefore, such as profess the true reformed religion should not marry with infidels, papists or other idolaters: neither should such as are godly be unequally yoked, by marrying with such as are notoriously wicked in their life, or maintain damnable heresies.—Confession of Faith, Chap. xxiv, Sec. iii.

III. Marriage is to be between one man and one woman only: and they are not to be within the degree of consanguinity or affinity prohibited by the word of God.

[NOTE.—See this *Digest*, Confession of Faith, Chap. xxiv, Sec. iv, p. 37.]

IV. The parties ought to be of such years of discretion as to be capable of making their own choice: and if they be under age, or live with their parents, the consent of the parents or others, under whose care they are, ought to be previously obtained, and well certified to the minister, before he proceeds to solemnize the marriage.

1. Clandestine marriage discouraged.

The Synod do recommend it to all their members to use the greatest caution that they do not countenance any clandestine marriages, and especially that they do not marry any that they have reason to suspect to go contrary to the minds of their parents and guardians in seeking it.—1735, p. 115.

V. Parents ought neither to compel their children to marry contrary to their inclinations, nor deny their consent without just and important reasons.

VI. Marriage is of a public nature. The welfare of civil society, the happiness of families, and the credit of religion, are deeply interested in it. Therefore the purpose of marriage ought to be sufficiently published a proper time previously to the solemnization of it. It is enjoined on all ministers to be careful that, in this matter, they neither transgress the laws of God, nor the laws of the community: and that they may not destroy the peace and comfort of families, they must be properly certified with respect to the parties applying to them, that no just objections lie against their marriage.

1. Publication of purpose of marriage.

What is a sufficient publication of the purpose of marriage according to the second sentence of the sixth section of the eleventh chapter of the Book of Discipline?

Resolved, That the following be given as an answer to this question, viz.: That the Presbyteries are the best judges in the case.—1820, p. 740.

2. Caution enjoined in solemnizing marriages.

Overture from the Presbytery of Monroe requesting that, in view of the great evils resulting from the frequency of divorce, and the ease with which it is obtained, ministers be enjoined to use great caution in performing the marriage ceremony, and in all cases refuse when either of the parties has been divorced for any other than Scriptural reasons.

The Assembly cannot too emphatically pronounce its condemnation upon the loose views and practices so alarmingly prevalent in our day, on the subject of marriage and divorce, nor too earnestly call upon its ministers and people to use their influence, both by precept and example, for the promotion of a healthier moral sentiment in the community on this subject. The formation of the marriage relation is attended with the gravest responsibility, and "nothing but adultery, or such wilful desertion as can no way be remedied by the Church or civil magistrates" (Confession of Faith, Chap. xxiv, Sec. vi), can warrant its rupture by any human authority. Let, therefore, the pulpit and the religious press, as well as parents, teachers and others, instruct and warn the young concerning these great evils and dangers. And our ministers are urged to the greatest possible care that "they neither transgress the laws of God nor the laws of the community" in marrying persons who have been divorced on grounds not warranted in the sacred Scriptures, or any other persons whose lawful right may be justly called in question (Directory for Worship, Chap. xii, Sec. vi). Nor may we, as conservators of the public morals, omit to appeal to the legislatures of our several States for the enactment of such laws of marriage, license, registration and other regulations as will at once protect the rights of ministers, parents and society, as well as guard against hasty and improper marriages, and so take away, to a great extent, occasion for divorce.—1885, p. 639.

[NOTE.—See this *Digest*, Confession of Faith, Chap. xxiv, Sec. vi, p. 40.]

VII. Marriage must always be performed before a competent number of witnesses; and at any time, except on a day of public humiliation. And we advise that it be not on the Lord's Day. And the minister is to give a certificate of the marriage when required.

VIII. When the parties present themselves for marriage, the minister is to desire, if there is any person present who knows any lawful reason why these persons may not be joined together in the marriage relation, that they will now make it known, or ever after hold their peace.

No objections being made, he is then severally, to address himself to the parties to be married, in the following or like words:

"You, the man, declare in the presence of God, that you do not know "any reason, by precontract or otherwise, why you may not lawfully "marry this woman."

Upon his declaring he does not, the minister shall address himself to the bride, in the same or similar terms:

"You, the woman, declare in the presence of God, that you do not "know any reason, by precontract or otherwise, why you may not lawfully "marry this man."

Upon her declaring she does not, he is to begin with prayer for the presence and blessing of God.

The minister shall then proceed to give them some instruction from the scriptures, respecting the institution and duties of this state, showing—

"That God hath instituted marriage for the comfort and happiness of "mankind, in declaring a man shall forsake his father and mother, and "cleave unto his wife; and that marriage is honorable in all; that he hath "appointed various duties, which are incumbent upon those who enter "into this relation; such as, a high esteem and mutual love for one another; bearing with each other's infirmities and weaknesses, to which "human nature is subject in its present lapsed state; to encourage each "other under the various ills of life; to comfort one another in sickness; "in honesty and industry to provide for each other's temporal support; to "pray for and encourage one another in the things which pertain to God, "and to their immortal souls; and to live together as the heirs of the "grace of life."

Then the minister shall cause the bridegroom and bride to join their hands, and shall pronounce the marriage covenant, first to the man, in these words:

"You take this woman, whom you hold by the hand, to be your lawful and married wife; and you promise, and covenant, in the presence "of God and these witnesses, that you will be unto her a loving and faithful husband, until you shall be separated by death."

The bridegroom shall express his consent, by saying, "Yes, I do."

Then the minister shall address himself to the woman, in these words:

"You take this man, whom you hold by the hand, to be your lawful "and married husband; and you promise, and covenant in the presence "of God and these witnesses, that you will be unto him a loving, faithful, "and obedient wife, until you shall be separated by death."

The bride shall express her consent, by saying, "Yes, I do."

Then the minister is to say,

"I pronounce you husband and wife, according to the ordinance of "God; whom therefore God hath joined together let no man put asunder."

After this the minister may exhort them in a few words, to the mutual discharge of their duty.

Then let him conclude with prayer suitable to the occasion.

Let the minister keep a proper register for the names of all persons whom he marries, and of the time of their marriage, for the perusal of all whom it may concern.

CHAPTER XIII.

OF THE VISITATION OF THE SICK.

I. When persons are sick, it is their duty, before their strength and understanding fail them, to send for their minister, and to make known to him, with prudence, their spiritual state; or to consult him on the concerns of their precious souls. And it is his duty to visit them, at their request, and to apply himself, with all tenderness and love, to administer spiritual good to their immortal souls.

II. He shall instruct the sick out of the Scriptures, that diseases arise not out of the ground, nor do they come by chance; but that they are directed and sent by a wise and holy God, either for correction of sin, for the trial of grace, for improvement in religion, or for other important ends: and that they shall work together for good to all those who make a wise improvement of God's visitation, neither despising his chastening hand, nor fainting under his rebukes.

III. If the minister finds the sick person to be grossly ignorant, he shall instruct him in the nature of repentance and faith, and the way of acceptance with God, through the mediation and atonement of Jesus Christ.

IV. He shall exhort the sick to examine himself; to search his heart, and try his former ways, by the word of God; and shall assist him, by mentioning some of the obvious marks and evidences of sincere piety.

V. If the sick shall signify any scruple, doubt, or temptation, under which he labors, the minister must endeavor to resolve his doubts, and administer instruction and direction, as the case may seem to require.

VI. If the sick appear to be a stupid, thoughtless, and hardened sinner, he shall endeavor to awaken his mind; to arouse his conscience; to convince him of the evil and danger of sin; of the curse of the law, and the wrath of God due to sinners; to bring him to an humble and penitential sense of his iniquities; and to state before him the fullness of the grace and mercy of God, in and through the glorious Redeemer; the absolute necessity of faith and repentance, in order to his being interested in the favor of God, or his obtaining everlasting happiness.

VII. If the sick person shall appear to have knowledge, to be of a tender conscience, and to have been endeavoring to serve God in uprightness, though not without many failings and sinful infirmities; or if his spirit be broken with a sense of sin, or through apprehensions of the want of the divine favor; then it will be proper to administer consolation and encouragement to him, by setting before him the freeness and riches of the grace of God, the all-sufficiency of the righteousness of Christ, and the supporting promises of the gospel.

[NOTE.—For cases where it may be proper to administer the Lord's Supper in the sick chamber, see above, Directory for Worship, Chap. ix, Sec. i, 4, p. 821.]

VIII. The minister must endeavor to guard the sick person against ill-grounded persuasions of the mercy of God, without a vital union to Christ; and against unreasonable fears of death, and desponding discouragements; against presumption upon his own goodness and merit, upon the one hand, and against despair of the mercy and grace of God in Jesus Christ, on the other.

IX. In one word, it is the minister's duty to administer to the sick person instruction, conviction, support, consolation, or encouragement, as his case may seem to require.

At a proper time, when he is most composed, the minister shall pray with and for him.

X. Lastly, the minister may improve the present occasion to exhort those about the sick, to consider their mortality; to turn to the Lord and make their peace with him; in health to prepare for sickness, death, and judgment.

CHAPTER XIV.

OF THE BURIAL OF THE DEAD.

I. When any person departs this life, let the corpse be taken care of in a decent manner; and be kept a proper and sufficient time before interment.

II. When the season for the funeral comes, let the dead body be decently attended to the grave, and interred. During such solemn occasions, let all who attend conduct themselves with becoming gravity; and apply themselves to serious meditation or discourse: and the minister, if present, may exhort them to consider the frailty of life, and the importance of being prepared for death and eternity.

1. Carousing and ostentatious parades discountenanced.

That as the too great use of spirituous liquors at funerals in some parts of the country is risen to such a height as greatly to endanger the morals of many, and is the cause of much scandal, the Synod earnestly enjoin, that the several Sessions and Committees shall take the most effectual methods to correct these mischiefs, and discountenance by their example and influence all approaches to such practices and all ostentatious and expensive parades, so inconsistent with such mortifying and distressing occasions.—1766, p. 359.

2. Funerals on the Lord's day disapproved.

Overture No. 237, from the Presbytery of Topeka, with reference to Sunday funerals. It is recommended that the following response be made:

The Assembly disapproves all unnecessary labor on the Lord's day. and recommends its ministers and membership to assist in diminishing the practice of funerals on that day except in cases of necessity.—1906, p. 38,

CHAPTER XV.

OF FASTING, AND OF THE OBSERVATION OF THE DAYS OF THANKSGIVING.

I. There is no day under the gospel commanded to be kept holy, except the Lord's day, which is the Christian Sabbath.

II. Nevertheless, to observe days of fasting and thanksgiving, as the extraordinary dispensation of divine providence may direct, we judge both Scriptural and rational.

1. The duty of fasting.

We will further observe, that the duty of fasting, as united with prayer, appears to be too much disregarded, if not entirely neglected by many Christians of the present day. We agree with our fathers of the Reformation, that the appointment of annual or stated fasts is not authorized under the Gospel dispensation; but occasional fasting, both public and private, such as is called for by peculiar circumstances, or by the dispensations of heaven, are still among the appointed means of grace, and form an important part of Christian duty. Our Saviour said, the children of the bride chamber would fast when the bridegroom was taken from them; surely such a dispensation as we have lately witnessed should lead those children to fast.—1838, p. 50, O. S.

2. Churches should observe days appointed by the local authorities.

In this connection, the Committee further recommend that this Assembly sanction and approve the practice of particular churches observing with appropriate worship, days of thanksgiving, recommended in proclamation by the governors of commonwealths in which they are located.—1849, p. 266, O. S.

III. Fasts and thanksgivings may be observed by individual Christians; or families, in private; by particular congregations; by a number of congregations contiguous to each other; by the congregations under the care of a Presbytery, or of a Synod; or by all the congregations of our Church.

IV. It must be left to the judgment and discretion of every Christian and family to determine when it is proper to observe a private fast or thanksgiving; and to the church-sessions to determine for particular congregations; and to the presbyteries or synods to determine for larger districts. When it is deemed expedient that a fast or thanksgiving should be general, the call for them must be judged of by the synod or General Assembly. And if at any time the civil power should think it proper to appoint a fast or thanksgiving, it is the duty of the ministers and people of our communion, as we live under a Christian government, to pay all due respect to the same.

DAYS OF FASTING APPOINTED BY THE SUPREME JUDICATORY.

1. Upon the occasion of the French War.

a. The Synod, under a sense of the present distressed and calamitous state of the country, do agree that they will recommend to all their congregations to unite in observing the last Thursday of October instant, as a day of public humiliation, fasting and prayer.—Synod of New York, 1756, p. 276.

b. In 1758 the reunited Synod recommended that a day of fasting and prayer be observed by all the congregations under our care to deprecate the wrath of God, to pray for a blessing on his majesty's armaments by sea and land, in order to procure a lasting and honorable peace.—1758, p. 290; also 1760, p. 305, and 1761, p. 310.

2. On the war with Spain.

[NOTE.—See *Minutes*, 1762, p. 315. *Digest*, 1886, p. 827.]

3. On account of trouble with England.

[NOTE.—See *Minutes*, 1774, p. 460; 1775, p. 465; 1777, p. 478; 1778, p. 481; 1779, p. 483; 1780, p. 488. *Digest*, 1886, pp. 827, 828.]

4. Before the second war with England.

[NOTE.—See *Minutes*, 1808, p. 409. *Digest*, 1886, p. 828.]

5. During the war with England.

[NOTE.—See *Minutes*, 1812, p. 497; 1813, p. 524; 1814, p. 572. *Digest*, 1886, p. 828.]

6. On the outbreak of the Civil War.

[NOTE.—See *Minutes*, 1861, p. 464, N. S. *Digest*, 1907, p. 871.]

7. On account of the profanation of the Sabbath.

The Committee appointed to consider the measures proper to be adopted to promote the sanctification of the Sabbath made a Report, which, being read and amended, was adopted, and is as follows, viz.:

Resolved, That the second Thursday of November next be and it hereby is recommended to be observed as a day of fasting, humiliation and prayer on account of the sin which rests upon the Church and on the whole land by the profanation of the Sabbath; and that it be given in charge to all Synods and Presbyteries in our connection, to take such order on this subject as may be most effectual in securing the observance of that day by the churches.—1830, p. 302.

8. For the conversion of the world.

The Committee to whom was referred *Overture No. 11*, viz.: "On the appointment of a day of prayer for the conversion of the world," made the following Report, which was unanimously adopted, viz.:

It being understood that Christians and churches, both in this country and in Europe, have at different times desired the public designation of a day to be observed by all Christians throughout the world as a day of fasting and prayer for the outpouring of the Holy Spirit on the whole family of man, and this Assembly being deeply impressed with the importance and high privilege of such an observance, and feeling urged and encouraged to more importunate supplications in view of the recent revivals of religion in this land, as well as the signs of the present time in relation to the prospects of the Church in other nations, therefore,

Resolved, That it be recommended to the ministers and churches under the supervision of the General Assembly of the Presbyterian Church in the United States, and of the churches in correspondence with the same, to observe the first Monday in January, 1833, as a day of fasting and prayer for the divine blessing on the ministry of the Gospel throughout the world, for the revival of religion in the whole of Christendom, and for the entire success of those benevolent enterprises which have for their object the world's conversion to God.

Resolved, That other denominations of Christians in the United States, and the Christian Churches in all other countries, be, and they are hereby affectionately, and with Christian salutations, invited to concur in the observance of the day above specified.

Resolved, That these resolutions be published with the signature of the Moderator and Clerk of the General Assembly for the information of such Synods, Assemblies, Associations, Conferences, Conventions and other ecclesiastical bodies as may choose to recommend the above observance to the churches under their care. And may grace, mercy and peace be multiplied to all throughout the world who love our Lord Jesus Christ. —1832, p. 365.

[Note.—See also *Minutes* of 1833, pp. 397-399. It became thenceforth a custom for the Assembly to designate the first Monday in January of each year as a day of fasting and prayer for the conversion of the world, and to recommend the last Thursday in February as a day of prayer for colleges, theological seminaries and other institutions of learning. See *Minutes, passim,* and below, the Week of Prayer.]

9. The Week of Prayer. The first entire week in January.

a. *Overture* on the appointment of a Concert of Prayer for the conversion of the world.

This Overture is based upon a proposal from the missionary brethren of Northern India to observe the second Monday of January, 1860, and the succeeding week, as a season of special prayer all over the globe for the conversion of the world. This General Assembly cordially sympathize with the object contemplated, as it implies the desire that Christians everywhere may more directly regard the missionary and aggressive character of our faith, as it tends to call forth their affections toward each other, and toward a perishing world; and especially as it recognizes the great truth of our dependence upon divine power for the success of the Gospel.

We, therefore, recommend to the churches under our care to observe the time thus specified in such manner as the various Sessions or Presbyteries may direct.—1859, p. 532, O. S.

[Note.—See also 1860, p. 21, O. S.; 1861, p. 335, O. S.; 1862, p. 620, O. S.; and annually to 1867.]

b. In 1861, p. 469, the Assembly, N. S., appointed the first week in December "as a season of special prayer for the outpouring of the Spirit on our congregations, and in special religious services calculated to edify the saints and lead sinners to Christ." In 1862, p. 16, the Assembly recommend "that another week of prayer be observed during the coming ecclesiastical year; but that the time be changed so as to correspond with that recommended first by the Lodiana Mission—the first entire week in January."

c. The observance of the first week of each new year, as a special season of united supplication throughout the Christian world, has already been attended and followed by results too grand to allow of a question as to its claims upon our churches.—1872, p. 94.

[Note.—Continuous until 1887. In 1888, p. 56, an Overture was received urging a change of time for the observance of the Week of Prayer.]

d. That it be considered inexpedient for the Assembly to recommend the observance of any special time as a Week of Prayer, inasmuch as the arrangements for such an observance have been, for years, practically under the direction of the Evangelical Alliance, and may safely and wisely be left to its further care.

It is also recommended that, in furtherance of the aim set forth in this Overture, the Stated Clerk be requested to communicate with the Evangelical Alliance in reference to a change of time for the Week of Prayer, and a thorough revision of the topics presented for consideration, giving special emphasis to the interests of Foreign Missions.—1888, p. 56; 1891, p. 182.

e. *Overture* from the Presbytery of Carlisle, on the observance of a week of prayer. Recommended, That in the observance of this special season of prayer, the General Assembly urge upon the churches the more general return in their observance to the original idea and early practice, so that the cause of world-wide missions may be specially brought to the mind and heart of the Church during this season of devotion.—1893, p. 208.

f. *Overture* from the Presbytery of St. Paul, concerning (1) a change of time in the date of the Week of Prayer. Recommended, That inasmuch as the Assembly of 1891, after a full discussion, decided adversely, that no action at present be taken. (2) A stricter adherence to its world-wide subject of missions. Recommended, That they be referred to the answer of this Assembly to Overture of Presbytery of Carlisle.—1893, p. 209.

10. Monthly Concert of Prayer for Missions.

a. *Overture* from the Presbytery of Philadelphia, asking the Assembly to name a day in each month for united prayer throughout our churches for the conversion of the world; and, furthermore, that it be recommended that, on the first Sabbath of each month, one of the services, in whole or in part, be devoted to the consideration of this subject.

The Committee recommended the following action:

The attention of pastors and church Sessions is called to the great importance of maintaining regular services, with specific reference to the spread of the Gospel throughout the world. This General Assembly would express their earnest desire that the "Monthly Concert of Prayer for Missions" be more generally observed by their churches, and they recommend that, in every congregation, the first devotional meeting of each month be given up to the consideration of the work of the Lord throughout the world, and to prayer for the world's conversion.—1879, p. 585; 1880, p. 51.

b. *Resolved*, That this Assembly enjoins upon all our churches the continued and devout observance of the time-honored Monthly Concert of Prayer for Missions; and earnestly urges upon the members of our Church to seek, by the careful study both of God's Word and the present condition of the heathen world, to know more of God's will and our duty in this matter; and to pray earnestly that God would send forth laborers into his harvest; and that the Holy Spirit may be poured out on all nations; and that we and all God's people may be disposed and enabled freely to consecrate to the service of the Master, ourselves, our sons and daughters, and our worldly possessions.—1891, p. 182.

11. Children's Day. Special services to be held.

The General Assembly hereby designates the second Sabbath of June as the Children's Day, on which special services for the children shall be held, and the vital topics of the Christian nurture and the conversion of the young shall be pressed upon the thought of the entire congregation. —1883, p. 616.

[NOTE.—See *Minutes* of each year and in this *Digest*, p. 797.]

12. Vocation Day.

That Sunday, May 6, 1923, be designated as Vocation Day, when the Christian principles of life investment shall be emphasized and the call to the ministry, missions and other forms of distinctly Christian service shall be definitely presented both to the young people and to their parents. —1922, p. 187.

[NOTE.—See *Digest*, 1907, p. 874, 10.]

V. Public notice is to be given a convenient time before the day of fasting or thanksgiving comes, that persons may so order their temporal affairs that they may properly attend to the duties thereof.

VI. There shall be public worship upon all such days; and let the prayers, psalms, portions of Scripture to be read, and sermons, be all in a special manner adapted to the occasion.

VII. On fast days, let the minister point out the authority and providences calling to the observation thereof; and let him spend a more than usual portion of time in solemn prayer, particular confession of sin, especially of the sins of the day and place, with their aggravations, which have brought down the judgments of heaven. And let the whole day be spent in deep humiliation and mourning before God.

VIII. On days of thanksgiving, he is to give the like information respecting the authority and providences which call to the observance of them; and to spend a more than usual part of the time in the giving of thanks, agreeably to the occasion, and in singing psalms or hymns of praise.

It is the duty of people on these days to rejoice with holy gladness of heart; but let trembling be so joined with our mirth, that no excess or unbecoming levity be indulged.

CHAPTER XVI.

THE DIRECTORY FOR SECRET AND FAMILY WORSHIP.

I. Besides the public worship in congregations, it is the indispensable duty of each person, alone, in secret; and of every family, by itself, in private, to pray to, and worship God.

II. Secret worship is most plainly enjoined by our Lord. In this duty every one, apart by himself, is to spend some time in prayer, reading the Scriptures, holy meditation, and serious self-examination. The many advantages arising from a conscientious discharge of these duties, are best known to those who are found in the faithful discharge of them.

III. Family worship, which ought to be performed by every family, ordinarily morning and evening, consists in prayer, reading the Scriptures, and singing praises.

IV. The head of the family, who is to lead in this service, ought to be careful that all the members of his household duly attend; and that none withdraw themselves unnecessarily from any part of family worship; and that all refrain from their common business while the Scriptures are read, and gravely attend to the same, no less than when prayer or praise is offered up.

V. Let the heads of families be careful to instruct their children and servants in the principles of religion. Every proper opportunity ought to be embraced for such instruction. But we are of opinion, that the Sabbath evenings, after public worship, should be sacredly preserved for this purpose. Therefore we highly disapprove of paying unnecessary private visits on the Lord's Day; admitting strangers into the families, except when necessity or charity requires it; or any other practices, whatever plausible pretences may be offered in their favor, if they interfere with the above important and necessary duty.

1. Duty of ministers to urge family religion.

a. [As means] "to revive the declining power of godliness, the Synod do earnestly recommend it to all our ministers and members to take particular care about ministerial visiting of families, and press family and secret worship, according to the Westminster Directory; and that they also recommend it to every Presbytery, at proper seasons to inquire concerning the diligence of each of their members in such particulars." —1733, p. 105.

b. The Synod do not only renew the order, but earnestly obtest every of our brethren of the ministry, conscientiously and diligently to pursue the good design thereof.—1734, p. 107.

c. Let heads of families be careful to instruct their children and those committed to their care in the great principles of our holy religion. Let their morning and evening sacrifices be daily offered up in their families to God.—1799, p. 178.

d. Parents, train your children in the "nurture and admonition of the Lord; your houses should be temples of the living God, in which should ascend to his mercy-seat the continual incense of your daily sacrifices. Pious parents can most effectually preach to the hearts of their children by their affectionate precepts, and their holy example. Your instructions will best prepare them to receive benefit from the public ordinances of religion. And oh! can you see these dearest portions of yourselves ready to perish, without earnestly reaching forth a hand to pluck them as brands from the burnings?"—1804, p. 316.

e. We have observed with pain, that in some Presbyteries the duties of family religion, and of catechetical instruction, are neglected. Truly it is shameful in men, who call themselves by the name of Christ, not to honor him before their families, by worshiping him statedly. Every head of a family is responsible for all its members to God and his country. How can he expect to fulfill his duty if he does not pray for and with them, and instruct them from the Word of God? If he does not honor God, it cannot be expected his family will. And a Christian family living without family religion is a contradiction. It argues, on the part of such professors, an awful declension and a criminal dereliction of duty.—1808, p. 402, and *Minutes, passim.*

2. The evening of the Lord's day especially set apart for family training. The Standards need no change to fit them to the present times.

The Committee on the Polity of the Church have had under consideration the following Overture from the Presbytery of Genesee:

Overture of the Presbytery of Genesee to the General Assembly meeting at Philadelphia, May 21, 1863:

We petition for a revision of the Directory for Worship, with a view to the following points:

1. To reclaim the Sabbath afternoon, or evening, expressly for family instruction, and to enforce the duty of parents.
2. To give a Constitutional recognition to the Sabbath school, as a cherished instrumentality of the Church for the nurture of her own youth, and the evangelization of others; and to provide that the time appropriated be ample, as esteeming this to be a cardinal means of grace.
3. To restrict its assemblies, in all ordinary cases, to one part of the day, so as to avoid trenching upon the time appropriated to the paramount duties of parents.
4. To secure to the pastor, unequivocally, as the divinely appointed teacher of the lambs of the flock, the prerogative, and hold him to the responsibility, of presidency over the school, with provision for a vice-president or superintendent, to serve in the absence of the pastor.
5. To recognize the church Session as invested with authority, and responsible for the details of the organization, the appointment and removal of teachers, and the whole government of the school.
6. To provide for such a system of distinctive instruction as will secure to our youth a thorough training, not only in the doctrines of grace, but in the principles of order which the Scriptures set forth, and keep continually before their minds the burden of baptismal obligations, and the value of covenant privileges, as sealed to the children of God's people.

The Committee recommend, that the Assembly reply to the above Overture as follows:

The matters in view of which the Presbytery of Genesee ask a revision of the Directory for Worship, are mainly such that, according to our Constitution, it is already competent to every church to regulate them for itself, agreeably to its own views of what will best promote its growth and spiritual welfare.

The Directory for Worship expresses the opinion of the Church, that the evenings of the Lord's day, after public worship, should be sacredly reserved for the religious instruction of children by their parents (see Chap. xvi, Sec. v).

The Sunday school, like all the religious institutions and agencies of each individual church, is, and ought to be, under the watch and care of the Session; and should be regarded, not as superseding, but as coöperating with, the entire system of pastoral instruction, the responsibilities of which it should not in any manner diminish.

There is nothing in our Constitution which prescribes the number of public services to be held on the Lord's day, or which restrains any church from appropriating to the Sunday school such a portion of the day as may seem to them desirable.

The peculiar position of baptized children as members of the church, to be, as members, trained in all Christian virtues and duties, is so expressly set forth in our Standards, that no revision of them could present it with greater clearness, or in a more authoritative form (see Confession of Faith, Chap. xxv, Sec. ii; Larger Catechism, Q. 166; Form of Government, Chap. ii, Secs. ii, iv; Book of Discipline, Chap. i, Sec. vi; Directory for Worship, Chap. x, Secs. i–iii).

The Assembly, therefore, judge that no necessity demands the revision which is asked for, and simply recommend to the churches to conform their ideas and usages to our own Standards.—1863, pp. 240, 241, N. S.

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